

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1507 Workforce Related Programs and Services

SPONSOR(S): Yarborough

TIED BILLS: None **IDEN./SIM. BILLS:** SB 98

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Secondary Education & Career Development Subcommittee	15 Y, 0 N	Sleap	Sanchez
2) Post-Secondary Education & Lifelong Learning Subcommittee			
3) Appropriations Committee			
4) Education & Employment Committee			

SUMMARY ANALYSIS

To create a system-wide approach to improve the equity and access for all Floridians to have the opportunity to achieve self-sufficiency, the bill:

- Authorizes the Governor to seek federal waivers to create greater flexibility and strategic investment in Florida's implementation of the Workforce Innovation and Opportunity Act (WIOA).
- Creates the Office of Reimagining Education and Career Help (Office) in the Executive Office of the Governor to provide coordination and alignment in Florida's workforce development system.
- Requires the Office to create a "no-wrong-door" entry strategy whereby Floridians may access services from any workforce partner with a common intake form and case management system.
- Creates a publicly available online opportunity hub to provide Floridians with access to identify in-demand jobs, the skills needed, where to obtain those skills, available services, and program performance employability and economic mobility.
- Requires the Department of Economic Opportunity (DEO) and the Department of Children and Families (DCF) to evaluate the impact of workforce services on participants receiving benefits and welfare transition programs, to include performance reports on participant earnings.
- Requires the Department of Education (DOE) to develop a workforce development metrics dashboard to measure return on the state's investment.
- Requires local workforce development boards (LWDB) to be assigned a letter grade based on improvement of participant long-term self-sufficiency and return on investment.
- Charges the Labor Market Estimating Conference as the entity responsible for determining Florida's real-time supply and demand in the labor market.
- Requires the Talent Development Council to coordinate Florida's efforts to meet state healthcare workforce needs, initially focusing on nursing, by conducting a gap analysis and review of nursing program alignment.
- Requires the DEO to establish WIOA eligible training provider criteria focused on participant outcomes.
- Requires the CareerSource state board to appoint a Credentials Review Committee to identify degree and non-degree credentials of value, develop a Master Credential List for performance funding, and establish policy direction for funding which prioritizes outcomes and leverages resources to support vulnerable populations.
- Creates the Open Door Workforce Grant Program to provide grants to school districts and Florida College System (FCS) institutions to cover up to two-thirds of the cost of short-term, high-demand programs.
- Creates the Money-Back Guarantee Program, requiring each school district and FCS institution to refund the cost of tuition to students who are not able to find a job within 6 months of completing select programs.
- Creates a new workforce performance funding model for school district and FCS institution workforce programs, requiring one-third of performance funding to be based on rewarding student job placement and the remaining two-thirds be based on student earnings.

The bill has an indeterminate, but likely significant impact on state expenditures. See Fiscal Comments, *infra*.

The bill provides an effective date of July 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida's Workforce Development System

Present Situation

The federal Workforce Investment Act of 1998 (WIA) was passed by Congress in an effort to improve the quality of the nation's workforce through implementation of a comprehensive workforce investment system.¹ WIA required each state to establish an investment board at the state level and to also establish workforce investment boards to represent local service areas.² WIA also called for the delivery of workforce development services through a system of "one-stop" centers in local communities.³ Some key principles of WIA were to better integrate workforce services, empower individuals, provide universal access to participants, increase accountability, and improve youth programs.⁴

In response to WIA, Florida established a workforce development system (WDS) under the Workforce Investment Act of 2000.⁵ The act aimed to better connect the state's economic development strategies with its WDS and to implement the principles of the federal WIA.⁶

Federal Workforce Innovation and Opportunity Act of 2014

In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), which superseded the Workforce Investment Act of 1998.⁷ WIOA requires each state to develop a single, unified plan for aligning workforce services through the identification and evaluation of core workforce programs.⁸ In general, WIOA maintains the one-stop framework of WIA, and encompasses provisions aimed at streamlining services, easing reporting requirements, and reducing administrative barriers.⁹ WIOA officially became effective on July 1, 2015, the first full program year after enactment.

Core Programs

WIOA identifies four core programs, Titles I – IV, that must coordinate and complement each other in a manner that ensures job seekers have access to needed resources.¹⁰ The core programs are:

- Title I - Adult, Dislocated Worker and Youth Programs;
- Title II - Adult Education and Literacy Activities;
- Title III - Employment Services under the Wagner-Peyser Employment Act; and
- Title IV - Vocational Rehabilitation Services.

Performance Measures

¹ Workforce Investment Act of 1998, 29 U.S.C. § 2801 (1998), *repealed by* Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, H.R. 803, 113th Cong. (July 22, 2014)(codified at 29 U.S.C. § 3101, et seq.).

² See 29 U.S.C. s. 2821 and 29 U.S.C. s. 2832 (1998).

³ See 29 U.S.C. s. 2841 (1998).

⁴ See 29 U.S.C. s. 2811 (1998).

⁵ Ch. 2000-165, Laws of Fla.

⁶ See s. 445.003, F.S.

⁷ Workforce Innovation and Opportunity Act, 29 U.S.C. § 3101 et seq. (2014).

⁸ See 29 U.S.C. s. 3112(a).

⁹ See 29 U.S.C. s. 3111.

¹⁰ See 29 U.S.C. s. 3102(13).

In an effort to promote transparency and accountability, WIOA created a single set of common measures, “primary indicators of performance,” for the evaluation of core programs.¹¹ WIOA requires performance reports to be provided at the state, local, and training provider levels. Performance measures that apply across all core programs include:

- The percentage of participants in unsubsidized employment during second quarter after exit;
- The percentage of participants in unsubsidized employment during fourth quarter after exit;
- The median earnings of participants during second quarter after exit;
- The percentage of participants who obtain a postsecondary credential or secondary school diploma within 1 year after exit;
- The achievement of measureable skill gains toward credentials or employment; and
- The effectiveness in serving employers.¹²

State Workforce Development Board and Plan

WIOA requires the Governor to establish a State Workforce Development Board¹³ to assist the Governor in carrying out the duties and responsibilities required by WIOA.¹⁴ The bill requires state board membership to represent diverse geographic regions of the state and include membership of the Governor, members of the state legislature, a majority of representatives of business, including small business, representatives of workforce within the state, and membership from state officials with primary responsibility for the core programs.¹⁵ Among other duties, the state board is required to assist in the development, implementation and modification of a 4-year state plan, review statewide policies, programs, and recommendations on actions to align workforce development programs, and identification and dissemination on best practices.¹⁶

Using the common performance measures for core programs, WIOA requires each state to develop and submit a unified state plan based on a 4-year strategy for workforce development.¹⁷ The state plan must describe an overall strategy for the core programs and how the strategy will meet the needs of workers, job seekers, and employers.¹⁸ WIOA also provides an option for states to submit a combined plan that outlines plans for the core programs along with additional workforce programs.¹⁹

Regional Planning and Local Workforce Development Boards

WIOA requires states to identify regional planning areas for workforce development strategies.²⁰ Within each area, a local workforce development board (LWDB) must be established.²¹ Each LWDB is required to coordinate planning and service delivery strategies within their area.²² Formulated strategies are then used by the LWDB to develop and submit a local plan for the delivery of workforce services.²³

¹¹ See 29 U.S.C. s. 3141.

¹² *Id.*

¹³ 20 C.F.R. s. 679.110.

¹⁴ 20 C.F.R. s. 679.130.

¹⁵ 20 C.F.R. s. 679.110. See also United States Department of Labor, Employment and Training Administration Advisory System, *Training and Employment Guidance Letter WIOA No. 27-14* (April 15, 2015), available at https://wdr.doleta.gov/directives/attach/TEGL/TEGL_27-14.pdf.

¹⁶ 20 C.F.R. s. 679.130.

¹⁷ See 29 U.S.C. s. 3112(a).

¹⁸ See 29 U.S.C. s. 3112(b).

¹⁹ See 29 U.S.C. s. 3113.

²⁰ See 29 U.S.C. s. 3121.

²¹ *Id.*

²² See 29 U.S.C. s. 3122.

²³ See 29 U.S.C. s. 3123.

WIOA requires each Governor to designate local workforce development areas in consultation with the state workforce development board, chief elected officials²⁴ and LWDBs, and after consideration of public comment.²⁵ In making such designations, WIOA requires each Governor to consider, with limited exception²⁶, the extent to which the areas: (1) are consistent with the labor market areas in the state; (2) are consistent with regional economic development areas in the state; and (3) have available the federal and non-federal resources necessary to effectively administer workforce investment activities and providers and other applicable WIOA provisions, including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education (CTE) schools.²⁷

Governor's Authority

WIOA grants the Governor broad oversight authority of both the state and local level workforce development programs. Specifically related to LWDB, the Governor is responsible for designating the local workforce areas,²⁸ certifying the LWDBs,²⁹ and negotiating the performance measures required by WIOA.³⁰ The Governor has the additional authority to decertify a LWDB, and require its reorganization, for fraud, abuse, or failure to carry out its statutory duties.³¹ If a LWDB fails to meet its agreed upon performance measures in two consecutive program years, the Governor must decertify the LWDB and implement a reorganization plan.³²

Florida's Implementation of WIOA

In 2016, Florida changed the workforce development system to conform to the new federal guidelines established by WIOA.³³ Under the current WDS, the Department of Economic Opportunity (DEO), CareerSource FL, Inc. (CareerSource), and 24 LWDBs act as partners in administering Florida's comprehensive system for the delivery of workforce strategies, services, and programs. Florida submitted its first Unified State Plan in 2016, a Two-Year Modification in 2018, and most recently a plan for the period July 1, 2020-June 30, 2024.³⁴ Florida's plan includes the following required programs:

- Adult Program;
- Dislocated Worker Program;
- Youth Program;
- Adult Education and Family Literacy Act;
- Wagner-Peyser Act; and
- Vocational Rehabilitation Program, including Blind Services Program.³⁵

²⁴ See Pub. L. 113-128, §. 3(9) (codified at 29 USC § 3102). The term, 'chief elected official' means "(a) the chief elected executive officer of a unit of general local government in a local area; and (b) in a case in which a local area includes more than 1 unit of general local government, the chief elected officials of such units."

²⁵ See Pub. L. 113-128, §. 106(a), (b) (codified at 29 U.S.C. § 3121)

²⁶ *Id.* WIOA lists two exceptions: (1) during the first two years after WIOA's enactment, the Governor of each state was required to approve a request to designate a local workforce development area from any areas designated as such under the Workforce Innovation Act of 1998 for the two-year period immediately preceding WIOA's enactment that performed successfully and sustained fiscal integrity; and (2) after the initial designation of such areas, the Governor of each state was further required to approve a subsequent request to designate such areas if, over the two most recent program years, they performed successfully, sustained fiscal integrity, and in the case of a local area planning region met additional requirements, including, but not limited to, the preparation of a regional plan.

²⁷ *Id.*

²⁸ See 29 U.S.C. s. 3121(b).

²⁹ See 29 U.S.C. s. 3122(a).

³⁰ See 29 U.S.C. s. 3121(c).

³¹ See 29 U.S.C. s. 3122(c).

³² See 29 U.S.C. s. 3141(g).

³³ Ch. 2016-216, L.O.F.

³⁴ Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 9, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf>.

³⁵ *Id.* at 10.

The Unified Plan includes the required core partners of: CareerSource, the DEO, and the Department of Education’s (DOE) Divisions of Career and Adult Education, Vocational Rehabilitation and Blind Services.³⁶

CareerSource Florida, Inc. (CareerSource)

Florida’s workforce system is led by the CareerSource Florida state board.³⁷ The Board of Directors includes the Governor, 16 business representatives, six workforce representatives, and eight government officials, including core programs state representatives, state legislative representatives and chief elected officials.³⁸ The state board conducts its work through a board of directors, two councils, the Strategic Policy and Performance Council and the Finance Council, and an Executive Committee.³⁹

Since Fiscal Year (FY) 2017-2018, CareerSource has allocated \$792 million dollars in funding and assisted 477,126 job seekers in obtaining employment.

CareerSource Allocated Funding 2017-2020		
Fiscal Year	Total Funds Allocated	Job Seekers Assisted
2017-2018 ⁴⁰	\$ 273 million	210,737
2018-2019 ⁴¹	\$ 269.6 million	136,328
2019-2020 ⁴²	\$ 249.4 million	130,061
Total	\$ 792 million	477,126

The state board is responsible for the development of a 4-year plan that is consistent with the requirements of WIOA⁴³ and also provides state-level policy direction, planning, and performance evaluation of the delivery of workforce services.⁴⁴ The state board in partnership with state and local workforce partners, develops strategic planning elements for the state plan to address strategies to fulfill the workforce system goals; aggregate, integrate, and leverage resources; coordinate the activities of federal, state, and local workforce system partners; address the needs of small businesses; and foster the participation of rural and distressed communities.⁴⁵ The state board submits an annual report by December 1 of each year to the Governor and the Legislature on the operations and accomplishments of the board and all audits.⁴⁶

The state board has the authority to hire an executive director and staff to assist in carrying out the functions of WIOA⁴⁷, and as such, is supported by CareerSource Florida, Inc., a not-for-profit corporation, which operates at the direction of the state board.⁴⁸

Department of Economic Opportunity (DEO)

³⁶ *Id.*

³⁷ See s. 445.004(5), F.S. Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 58, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf>.

³⁸ See s. 445.004(3)(a)-(d), F.S. Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 97, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf>. The membership roster is as of July 1, 2020.

³⁹ *Id.* at 59

⁴⁰ CareerSource Florida, *Annual Report* (2017-2018), at 5, available at https://careersourceflorida.com/wp-content/uploads/2018/11/2017-18_CSF_Annual_Report.pdf

⁴¹ CareerSource Florida, *Annual Report* (2018-2019), at 3-4, available at https://careersourceflorida.com/wp-content/uploads/2019/11/2018-19_CSF_Annual_Report.pdf.

⁴² CareerSource Florida, *Annual Report* (2019-2020), at 3-4, available at https://careersourceflorida.com/wp-content/uploads/2020/11/2019-20-CSF_ANNUAL_REPORT.pdf.

⁴³ Section 445.003(2), F.S. and s. 445.006, F.S.

⁴⁴ Section 445.004(5)(a)-(g), F.S.

⁴⁵ See. s. 445.006(2)(a), F.S.

⁴⁶ Section 445.004(7)(a)-(b), F.S.

⁴⁷ Section 445.003(6), F.S.

⁴⁸ Section 445.004(1), F.S. Prior to 2014, CareerSource was known as Workforce Florida, Inc.

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DEO serves as Florida’s lead workforce agency.⁴⁹ DEO is responsible for the fiscal and administrative affairs of the WDS.⁵⁰ DEO receives and distributes federal funds for employment-related programs to the LWDBs.⁵¹ The legislature also appropriates Temporary Assistance for Needy Families (TANF) funds to DEO for allocation to the LWDBs.⁵² The legislature requires the state board and the Department of Children and Families (DCF) which administers the TANF program to evaluate funded programs, examining program outcomes and return on investment among other criteria.⁵³ Additionally, under the direction of CareerSource, the DEO is required to annually meet with each LWDB to review the board’s performance and to certify that the board is in compliance with applicable state and federal law.⁵⁴

Local Workforce Development Boards (LWDB)

Twenty-four LWDBs deliver Florida’s workforce development services through over 100 one-stop service providers.⁵⁵ The one-stop service providers give Floridians access to available workforce services, including job placement, career counseling, and skills training.⁵⁶ Some LWDBs operate their own One-Stop Centers, while others contract for these services.

Each LWDB formulates a local budget and oversees the one-stop delivery system within its local area.⁵⁷ Collectively, LWDBs operate under a charter approved by CareerSource.⁵⁸ LWDB must submit a request for continued designation every two years, beginning July 1, 2017, to CareerSource and DEO.⁵⁹ Continued designation is granted if the LWDB performed successfully and sustained fiscal integrity.⁶⁰ Each LWDB must develop their own local 4-year plans which are aligned with the vision and goals of the state plan.⁶¹

Funding

For FY 2020-2021 total federal funding provided to Florida for the core programs under WIOA totaled \$262,182,185.

WIOA Funds Allocated to Florida for FY 2020-2021		
Program	Amount Funded	Responsible Core Partner

⁴⁹ Primarily through the Division of Workforce Services. See s. 20.60, F.S.

⁵⁰ See s. 20.60(5)(c), F.S. and s. 445.009(3)(c), F.S.

⁵¹ See s. 20.60(5)(c), F.S. and s. 445.003, F.S.

⁵² Florida Department of Children and Families, Temporary Assistance for Needy Families, *State Plan Renewal* (Oct. 1, 2020-Sept. 30, 2023), at 5-6, available at <https://www.myflfamilies.com/service-programs/access/docs/TANF-Plan.pdf>. See also CareerSource Florida, *Finance Council Meeting Agenda* (June 3, 2020), at 19, available at https://careersourceflorida.com/wp-content/uploads/2020/06/200603_FinanceCouncilPacket.pdf.; See also CareerSource Florida Board of Directors Meeting June 4, 2020, *Presentation*, at 36, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/June-2020-BOD-Presentation-.pdf>

⁵³ Section 445.003, F.S.

⁵⁴ See s. 445.007(3), F.S.

⁵⁵ Florida Department of Economic Opportunity, *CareerSource Florida Network Directory*, <http://lcd.floridajobs.org/> (last visited Feb. 24, 2021).

⁵⁶ See s. 445.009, F.S.

⁵⁷ Section 445.007(12), F.S.

⁵⁸ CareerSource Florida, Strategic Policy 2000.08.15.8D, *Chartering of Local Workforce Development Boards* (Aug. 15, 2020), available at <https://careersourceflorida.com/wp-content/uploads/2017/05/2000.08.15.I.8D-Chartering-of-LWDB.pdf>.

⁵⁹ CareerSource Florida, Administrative Policy Number 94, *Local Workforce Development Area Designation* (March 20, 2017), at 3, available at https://floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2017-guidance-papers/localareadesignatn-ap94.pdf?sfvrsn=2e3770b0_4.

⁶⁰ *Id.*

⁶¹ Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 111, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf>.; See also Florida Department of Economic Opportunity, *Local Workforce Development Area WIOA Plans*, <https://floridajobs.org/local-workforce-development-board-resources/programs-and-resources/local-workforce-development-area-wioa-plans> (last visited Feb. 24, 2021).

WIOA Title I Adults, Youth, and Dislocated Workers	\$134,967,855 ⁶²	CareerSource/DEO
WIOA Title II Adult Education and Literacy Activities	\$46,606,798 ⁶³	DOE Division of Career and Adult Education
WIOA Title III Wagner Peyser Employment Services	\$38,224,509 ⁶⁴	CareerSource/DEO
WIOA Title IX Vocational Rehabilitation Services	\$ 42,383,023 ⁶⁵	DOE Divisions of Vocational Rehabilitation and Blind Services.
Total	\$262,182,185	

Of the WIOA Title I funds totaling \$134,966,855, \$102,009,303 was allocated to LWDBs, \$20,245,179 was retained at the state level for use by the Governor for state-level initiatives, and the remainder was allocated to dislocated worker funding.⁶⁶ After combining the balance of WIOA unobligated funds brought forward from the prior year and accounting for statewide administrated and program services, the total amount of funding the Governor has available for discretionary funding for FY 2020-2021 totals \$23,049,808.⁶⁷

Current law requires Title I, WIOA funds, Wagner-Peyser funds, and North American Free Trade Agreement Act funds to be expended based on the 4-year state plan.⁶⁸ The state plan must outline and direct the method used to administer and coordinate various funds and programs that are operated by various agencies.⁶⁹ However, current law requires at least 50 percent of the Title I funds for Adults and Dislocated Workers, which are passed through to LWDBs be allocated to and expended on Individual Training Accounts, unless the LWDB gets a waiver from the state board.⁷⁰ Fifteen percent of Title I funds must be retained at the state level and dedicated to state administration and be used to design, develop, induce, and fund innovative Individual Training Account pilots, demonstrations, and programs. Of the 15 percent of Title I funds retained, \$2 million may be reserved for the Incumbent Worker Training Program.⁷¹

Accountability

⁶² See United States Department of Labor Employment and Training Administration, *Training and Employment Guidance Letter No. 16-19* (April 23, 2020), available at https://wdr.doleta.gov/directives/attach/TEGL/TEGL_16-19.pdf; See also CareerSource Florida, *Finance Council Meeting Agenda* (June 3, 2020), at 3-4, available at https://careersourceflorida.com/wp-content/uploads/2020/06/200603_FinanceCouncilPacket.pdf.; See also CareerSource Florida Board of Directors Meeting June 4, 2020, *Presentation*, at 36-37, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/June-2020-BOD-Presentation-.pdf>.

⁶³ United States Department of Education, Office of Career, Technical and Adult Education, *Estimated Adult Education State Award Amounts for Fiscal Year 2020* (March 18, 2020), at 2, available at <https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/2020-allocation-memo.pdf>.

⁶⁴ See United States Department of Labor Employment and Training Administration, *Training and Employment Guidance Letter No. 16-19* (April 23, 2020), available at https://wdr.doleta.gov/directives/attach/TEGL/TEGL_16-19.pdf; See also CareerSource Florida, *Finance Council Meeting Agenda* (June 3, 2020), at 22-23, available at https://careersourceflorida.com/wp-content/uploads/2020/06/200603_FinanceCouncilPacket.pdf.; See also CareerSource Florida Board of Directors Meeting June 4, 2020, *Presentation*, at 36-37, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/June-2020-BOD-Presentation-.pdf>.

⁶⁵ See United States Department of Education, Rehabilitation Services Administration, Vocational Rehabilitation State Grants, Florida Division of Vocational Rehabilitation, FY 2021 Vocational Rehabilitation State Grant, available at <https://rsa.ed.gov/award/h126a210086> and Florida Division of Blind Services Vocational Rehabilitation State Grant available at <https://rsa.ed.gov/award/h126a210087> (last visited Feb. 26, 2021).

⁶⁶ CareerSource Florida, *Finance Council Meeting Agenda* (June 3, 2020), at 4-5, available at https://careersourceflorida.com/wp-content/uploads/2020/06/200603_FinanceCouncilPacket.pdf.; See also CareerSource Florida Board of Directors Meeting June 4, 2020, *Presentation*, at 36-37, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/June-2020-BOD-Presentation-.pdf>.

⁶⁷ CareerSource Florida, *Finance Council Meeting Agenda* (June 3, 2020), at 4, available at https://careersourceflorida.com/wp-content/uploads/2020/06/200603_FinanceCouncilPacket.pdf

⁶⁸ Section 445.003 (3)(a), F.S.

⁶⁹ *Id.*

⁷⁰ *Id.* at (a)1.

⁷¹ *Id.* at (a)2.

For the period February 10, 2020 through August 7, 2020, the United States Department of Labor (USDOL) Employment and Training Administration (ETA) conducted a compliance review of the DEO to determine their level of compliance with the programmatic, fiscal, and administrative requirements as the DEO is responsible for the fiscal and administrative affairs of the WDS.⁷² The review identified 50 compliance findings which must be addressed, with several findings having regulatory, statutory, and policy violations.⁷³

A finding of noncompliance was identified with the state board composition requirements of WIOA. The state board failed to ensure that the board met the requirements of business majority, two or more union representatives, one or more registered apprenticeship representatives, a 20 percent workforce representation, and WIOA core program representation.⁷⁴ The compliance review identified a number of policy concerns, one such concern was a lack of a state board policy for delegation of specific functions, in particular procedures in place that outline the specific functions the state board is delegating to DEO.⁷⁵ The review determined that Florida did not have an adult priority of service policy or dislocated worker eligibility policy required by WIOA.⁷⁶

The review determined compliance concerns with ensuring LWDBs are operating under current and approved local workforce plans as required by WIOA⁷⁷ as well as conducting business in an open manner under the “Sunshine Provision” of WIOA.⁷⁸

The DEO has since provided corrective action responses to 46 of the 50 findings to the ETA.⁷⁹ DEO’s response concluded that the state board has not delegated its policy making authority and provided the agreement⁸⁰ between DEO and CareerSource.⁸¹ Additionally, the DEO will incorporate an annual review of LWDB websites to ensure local plans and modifications are made publicly available.⁸² To address conducting business in an open manner, the DEO has updated the grantee-sub grantee agreement as well as a policy for local area governance and transparency.⁸³

Reimagining the Workforce Development System

In a Training and Employment Notice to states, the USDOL identified that a truly aligned and seamless service delivery for a state’s workforce system, as envisioned by WIOA, has not fully materialized.⁸⁴

The following key concepts were identified as promoting a truly aligned and seamless service delivery of workforce services:

⁷² United States Department of Labor, Employment and Training Administration, *Compliance Review Florida Department of Economic Opportunity* (2020), available at <http://www.floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2020-usdol-eta-compliance-review.pdf>.

⁷³ *Id.* at 1-2.

⁷⁴ *Id.* at 2-3.

⁷⁵ *Id.* at 4-5.

⁷⁶ *Id.* at 16-17.

⁷⁷ *Id.* at 6-7.

⁷⁸ *Id.* at 7-8.

⁷⁹ Florida Department of Economic Opportunity, *Letter to Ms. Lenita Jacobs-Simmons- Regional Administrator Employment and Training Administration* (Feb. 18, 2021), available at https://floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2021-feb-18-eta-comprehensive-monitoring-report-cap.pdf?sfvrsn=b2074db0_6.

⁸⁰ Agreement between the Florida Department of Economic Opportunity and CareerSource Florida, Inc., *Agreement No: BCS02* (July 1, 2019-June 20, 2021), available at <https://careersourceflorida.com/wp-content/uploads/2020/01/DEO-CSF-Agreement.pdf>.

⁸¹ Florida Department of Economic Opportunity, *Letter to Ms. Lenita Jacobs-Simmons- Regional Administrator Employment and Training Administration* (Feb. 18, 2021), at 4-5, available at https://floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2021-feb-18-eta-comprehensive-monitoring-report-cap.pdf?sfvrsn=b2074db0_6.

⁸² *Id.* at 6

⁸³ *Id.* at 7-8.

⁸⁴ United States Department of Labor, Training and Employment Notice No. 13-20, *Advancing a One Workforce Vision and Strategy* (Jan. 4, 2021), available at https://wdr.doleta.gov/directives/attach/TEN/TEN_13-20.pdf.

- Systemic collaboration of key workforce system partners to take a comprehensive approach to assessing and addressing customer needs and removing barriers to employment;
- Integrated service delivery that provides seamless and comprehensive services to customers;
- Shared data for effective decision making and enhanced data collection and analysis to support program operations;
- Leveraged resources across the programs; and
- Improved employment and training outcomes through stronger connections between the training offered through the workforce system and the training needed by employers.⁸⁵

Creating alignment of workforce programs through a single state cabinet or department, was provided as an example to create greater alignment in state workforce service delivery.⁸⁶ States that align programs within an agency were able to efficiently plan, deliver, monitor, and evaluate multiple programs to the benefit of the customers.⁸⁷

The RAND Corporation identified states which are adopting varied strategies to further integrate their workforce development and employment system.⁸⁸ One approach taken by states has been to combine two or more state agencies, as in Missouri's Department of Higher Education and Workforce Development, which combined the Division of Workforce Development, the Economic Research and Information Center, and the Department of Higher Education under a single office.⁸⁹ Another strategy has been to create a new entity which works across all partners, such as the Mississippi Office of Workforce Development or the Indiana Governor's Workforce Cabinet.⁹⁰

To reimagine a WDS for the 21st century that meets the needs of employers, workers, and stakeholders, the RAND Corporation envisions a workforce system focused on the goals of equity and efficiency.⁹¹ A system which provides equitable access to opportunities to learn, train, and retrain with access to information about education costs and returns to inform career decision making and on-ramps for displaced and transitioning workers.⁹² The system should also enable timely and appropriate matching of skilled workers to jobs where connections between employers, education, and training providers have greater alignment and awareness of forecasted needs and skills.⁹³

Effect of Proposed Changes

Reimagining Education and Career Help Act

To create greater alignment among Florida's WDS for the delivery of programs suited for the 21st century which are focused on equity and efficiency, the bill creates the Reimagining Education and Career Help Act (REACH Act).

The REACH Act serves to address the evolving needs of Florida's economy by increasing the level of collaboration and cooperation among state businesses and education communities while improving training and providing for equity and access to a more integrated workforce and education system for Florida. To facilitate alignment and coordination of entities responsible for Florida's WDS, the bill creates the Office of Reimagining Education and Career Help (REACH Office) in the Executive Office

⁸⁵ *Id.* at 3-8.

⁸⁶ *Id.* at 10.

⁸⁷ *Id.*

⁸⁸ RAND Corporation, Presentation to the Education & Employment Committee (Jan. 26, 2021), at 11, *available at* <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3105&Session=2021&DocumentType=Meeting%20Packets&FileName=eec%201-26-21.pdf>.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ RAND Corporation, Presentation to the Education & Employment Committee (Jan. 26, 2021), at 33-34, *available at* <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3105&Session=2021&DocumentType=Meeting%20Packets&FileName=eec%201-26-21.pdf>.

⁹² *Id.* at 34.

⁹³ *Id.*

of the Governor. The Director of the REACH Office is required to be appointed by the Governor and serve at his or her pleasure.

REACH Office Duties

The bill requires the REACH Office to fulfill the following duties:

- Serve as an advisor to the Governor on matters related to the state's WDS;
- Establish criteria and goals for workforce development and diversification in Florida's WDS;
- Provide strategies to align and improve efficiency in Florida's WDS and the delivery of workforce related programs;
- Coordinate state and federal workforce related programs, plans, resources, and activities provided by CareerSource, the DEO, and the DOE;
- Oversee the workforce development information system designed by the DOE to verify the validity of data collected and monitor compliance of workforce related programs and education and training programs with applicable federal and state requirements as authorized by federal and state law;
- Serve on the Credentials Review Committee to identify non-degree and degree credentials of value and facilitate the collection of data necessary to conduct committee work;
- Coordinate and facilitate a memorandum of understanding (MOU) for data sharing agreements of the state's workforce performance data among state agencies and align, to the greatest extent possible, adopted performance measures;
- Streamline the clinical placement process and increase clinical placement opportunities for students, hospitals, and other clinical sites by administering, directly or through a contract, a web-based centralized clinical placement system for use by all nursing education programs subject to the requirements of nursing education program approval; and
- Direct the objectives of the Talent Development Council.

In addition, because the current performance measures do not compare the number of individuals who need services to those who receive services and whether those individuals are better off after receiving such services, the REACH Office will develop the criteria DEO will use to assign a letter grade to each LWDB, and require the criteria, in part, be based on LWDB performance accountability measures and return on investment. The majority of the grade should be based on the improvement by each LWDB in the long-term self-sufficiency of participants through outcome measures such as reduction in long-term public assistance and the percentage of participants whose wages were higher after program completion compared to wages before participation in a program;

No-Wrong-Door Entry Strategy

The bill requires the REACH Office to improve equity and access to the myriad of state and federally funded workforce related programs offered across different entities by creating a no-wrong-door entry strategy whereby a Floridian must not be required to visit multiple locations when seeking access to education and workforce training. In creating the no-wrong-door strategy, the office is required to do the following:

- Develop a training course to cross-train all staff within Florida's WDS on workforce related programs, including how to use an integrated case management system, develop an individual employment plan, conduct a comprehensive needs assessment, pre-certify individuals for workforce related programs, and on any other activities to reinforce the no-wrong-door-entry strategy;
- Coordinate and facilitate a common intake form and case management system for use by workforce related programs to minimize duplicate data entry;
- Coordinate and facilitate a MOU between the DEO and the DCF to permit Supplemental Nutrition Assistance Program (SNAP) and TANF clients to pre-certify for WIOA training services without having to physically visit a one-stop center;
- Oversee the performance evaluation of workforce related programs and services for participants receiving family self-sufficiency benefits and in welfare transition programs; and

- Identify other state and federal programs that serve individuals with significant barriers to employment as demonstrated by low placement, employment, and earnings rates and identify strategies to increase the utilization of such programs by LWDBs.

Workforce Opportunity Portal

To provide Floridians with public access to a global view of available federal, state, and local workforce services available, the bill requires the REACH Office to minimize duplication and use existing resources to adapt and integrate state information systems into an online workforce opportunity portal. The REACH Office should maximize the use of available federal and private funds for the development and initial operation of the portal.

To determine the quality of workforce related programs offered by public postsecondary educational institutions and public and private training providers, the office must review each program 1 year after the program's first graduating class and every 5 years after the first review.

The bill requires the REACH Office to maximize the use of the portal at locations within Florida's WDS and ensure the portal provides access to labor market data consistent with official information developed by the Labor Market Estimating Conference as well as information on how to appropriately use and analyze the presented data, including any limitations.

The REACH Office is required to report to the Legislature on December 1, 2022, and annually thereafter, on the implementation and outcomes of the workforce opportunity portal, including the increase of economic self-sufficiency of individuals.

Definitions

To define the work of the REACH Office, the bill provides the following definitions:

- A definition for Florida's "workforce development system" to include the entities and activities that contribute to Florida's talent pipeline system through education, training, and support services that prepare individuals for employment or career advancement. The definition specifics the entities that are responsible for oversight or conducting those activities such as CareerSource, LWDB, One-Stop Centers, the DEO, the DOE, and the Department of Children and Families.
- A definition for "workforce education region" as areas of the state identified by the DOE, in collaboration with the DEO, to maximize resource allocation by combining two or more sources of funding to integrate education and training in order to improve access to credentials of value for participants in adult education programs.
- A definition for "workforce related program" as a program operated, delivered, or enabled, in whole or in part, by a state or local entity using federal funds or state appropriations to offer incentives, funding, support, or guidance for any of the following purposes:
 - Job training;
 - Attainment of a credential of value as identified by the Credentials Review Committee;
 - Attainment of a postsecondary degree or credential;
 - The provision of other types of employment assistance; or
 - Any other program that has, at least in part, the goal of securing employment or better employment for an individual and receives federal funds or a state appropriation.

The bill defines the attainment of a postsecondary degree or credential to include an apprenticeship certificate, industry certification, license, advanced technical certificate, college credit certificate, career certificate, applied technology diploma, associate in applied science degree, associate in science degree, bachelors of applied science degree, and bachelors of science degree.

State Plan

The bill requires the CareerSource Florida state board to work with state and local partners in the workforce development system to develop the strategic planning elements required by WIOA for Florida's state plan. Additionally, the bill requires the state plan to describe the following:

- How the activities will be carried out by the core programs to implement the strategy and how the activities will be aligned across the programs and among the entities administering the programs, including using co-enrollment and other strategies.
- How the activities will be aligned with other activities that are provided under employment, training, education, including CTE, and human services programs that are not covered by the state plan, as appropriate, to avoid duplication and assure coordination.
- How the entities carrying out the respective core programs will coordinate activities and provide comprehensive, high-quality services, including supportive services, to individuals.
- How the state's strategy to engage Florida College System (FCS) institutions and local CTE schools as partners in the WDS will enable the state to leverage other federal, state, and local investments and increase access to workforce development programs at those institutions.
- How the activities will be coordinated with economic development strategies.
- How the state's strategy will improve access to activities leading to a state approved recognized postsecondary credential, including a credential that is an industry recognized certificate or certification that is portable and builds on additional education or training.

Use of WIOA Funds

The bill requires the 15 percent of WIOA Title I funds which are retained for state administration to be used to evaluate the long-term impact of innovative Individual Training Account pilots, demonstrations, and programs to enable participants to attain self-sufficiency and to evaluate the effectiveness of performance-based contracts used by LWDBs on increasing wages and employment over the long term.

CareerSource FL State Board

The bill adds to the membership of the state board a representative from the DOE's Division of Vocational Rehabilitation as well as a representative from the DCF.

The bill requires the state board to, beginning July 1, 2022, assign a letter grade for each LWDB using the criteria established by the REACH Office.

In carrying out their duties, the bill requires the state board to do the following:

- Create a state employment, education, and training policy that ensures workforce related programs are responsive to present and future business and industry needs and complement the initiatives of Enterprise Florida, Inc.
- Establish policy direction for a uniform funding system that prioritizes evidence-based, results-driven solutions.
- Include in their policy related to the education and training of target populations the effective use of federal, state, local, and private resources in reducing the need for public assistance by combining two or more sources of funding to support workforce related programs or activities for vulnerable populations.
- Identify barriers to coordination and alignment among workforce related programs and activities and develop solutions to remove such barriers.
- Maintain a Master Credentials List that:
 - Serves as a public and transparent inventory of state-approved credentials of value.
 - Directs the use of federal and state funds for workforce education and training programs that lead to approved credentials of value.
 - Guides workforce education and training programs by informing the public of the credentials that have value in the current or future job market.

- Establish incentives for LWDBs which reward effective alignment and coordination of federal and state programs and programs identified by the REACH Office and outline rewards for achieving long-term self-sufficiency of participants.

The bill requires the state board, to work with DEO to submit their annual report on December 1 to the Governor and Legislature and requires the report to include the following:

- All investigations;
- Number of mandatory partners located within one-stop centers; and
- Progress on implementing solutions to address barriers to coordination and alignment among programs and activities.

The bill requires the state board to ensure the Executive Director of CareerSource and his or her staff works with the DEO to minimize duplication and maximize efficient use of resources in carrying out their duties to implement the WIOA.

The bill adds gross management and waste as instances which would provide cause for removal of a state board member.

The bill authorizes any committees, councils, or administrative entities of the state board to use funds to award recognition by a LWDB, its committees and subdivision, and other units of the workforce system.

The bill aligns the required wages for participants in the Quick-Response Training program administered by CareerSource to present market wages.

The bill removes the authority for the state board to designate Institutes of Applied Technology, provide policy direction to evaluate labor market supply, and expand the occupations of the Workforce Estimating Conference. The bill removes duplicative language already in current law which allows the Auditor General to conduct an audit of the state board and CareerSource or any programs or entities created by the state board and the authority for the Office of Program Policy Analysis and Government Accountability (OPPAGA) to review performance outcomes and quality of services of the state board and CareerSource.⁹⁴

DEO

The bill requires the DEO to adopt rules to monitor the compliance of workforce related programs and determine whether programs are meeting performance expectations, including an analysis of the return on investment of workforce related programs on individual employment, earnings, and public benefit usage outcomes and a cost-benefit analysis of the monetary impacts of workforce services from the participant and taxpayer points of view.

One-Stop Centers

The bill requires training services provided to One-Stop Center participants through Individual Training Accounts be used on programs that prepare individuals to enter occupations identified by the Labor Market Estimating Conference. Additionally, the bill requires training services provided through Individual Training Accounts to condition final payment, of at least 10 percent, to a training provider upon a participant's successful job placement.

Program Evaluation

To effectively assess the impact of services on workforce participants who are dually served, the bill requires the DOE and DCF to measure the performance of workforce related programs and services for

⁹⁴ See s.11.45(3)(p) and s. 11.51(1), F.S.

participants who receive benefits and welfare transition programs. The evaluation must include participants who receive TANF and also those receiving family self-sufficiency program benefits.

The bill requires the DEO to consult with LWDBs to develop annual performance reports which analyze participants as they transition from public assistance to self-sufficiency. Participant co-enrollment in programs must be considered as a part of the performance measure.

Each LWDB is required to, at a minimum, provide quarterly reports on the following measures:

- the percent of participants working in unsubsidized employment;
- the percent of participants who stop receiving benefits for reasons other than disqualification or sanction;
- the number of sanctions and waivers that are granted, measured by the type of sanction or waiver and the number of completed compliance activities that lead to a restoration of benefits.
- the median placement wage rate;
- the TANF work participation rate; and
- a self-sufficiency index, by county, based on the percent of current or former participants who stop receiving benefits or are working 30 or more hours per week and at 1 and 2 years after participants stop receiving benefits or work 30 or more hours per week.

The bill requires the self-sufficiency index to include the percentage of participants earning at or above 200 percent of the federal poverty level 3 years after participants stop receiving benefits or work 30 or more hours per week. Additionally, the report must contain an expected range of performance for each county on the self-sufficiency index. The bill requires the expected range to be derived by a statistical methodology developed in consultation with the local boards and that the methodology control for differences across counties in economic conditions and demographics of participants in family self-sufficiency programs and welfare transition programs.

To conduct the evaluation, the bill requires the state board and the DEO to share information with and develop protocols for information exchange with the Florida Education and Training Placement Information Program (FETPIP).

WIOA Waiver Authority

Present Situation

WIOA allows the Secretary of Labor (Secretary) to grant states additional flexibility to meet their workforce needs and achieve better outcomes for job seekers and employers. WIOA does this through the use of waivers that provide states a reprieve from statutory or regulatory WIOA provisions.⁹⁵

A state may request a waiver in its overall Unified or Combined State Plan submission or modification.⁹⁶ A state may also use its own format or form when making a waiver request – provided all requirements are addressed.⁹⁷ A state waiver request is required to include a discussion of the following elements⁹⁸:

- the statutory and/or regulatory requirements the state would like to waive;
- actions the state has undertaken to remove state or local barriers;
- state strategic goals and Department of Labor priorities (i.e. expansion of apprenticeship, improved employer engagement, etc.) supported by the waiver;
- projected programmatic outcomes resulting from implementation of the waiver;
- individuals, groups or populations benefitting from the waiver;

⁹⁵ See Pub. L. 113-128, §. 189(i)(3) (codified at 29 U.S.C. § 3249).

⁹⁶ See United States Department of Labor's, 'Workforce Innovation and Opportunity Act Waiver Request Tool,' <https://www.dol.gov/agencies/eta/wioa/waivers> (last visited Feb. 24, 2021).

⁹⁷ *Id.*

⁹⁸ *Id.*

- how the state plans to monitor waiver implementation, including collection of waiver outcome information; and
- assurance of state posting of the request for public comment and notification to affected LWDBs.

The USDOL reviews each waiver request individually.⁹⁹ The Secretary must respond within 90 days of the waiver request.¹⁰⁰

While several states have successfully received waivers from WIOA's requirements, there are limitations to the Secretary's waiver authority.¹⁰¹ WIOA prohibits the Secretary from waiving any provisions related to the following¹⁰²:

- wage and labor standards;
- allocation of funds to local areas;
- non-displacement;
- eligibility of providers or participants;
- worker rights;
- establishment and functions of local areas and local WDBs;
- participation and protection of workers and participants;
- procedures to review and approve state and local plans;
- grievance procedures and judicial review;
- funding of infrastructure costs for One-Stop Centers;
- nondiscrimination; and
- other requirements related to the basic purposes of WIOA Title I.

Presently, Florida does not operate under any WIOA waivers.¹⁰³

Effect of Proposed Changes

To provide Florida with additional flexibility in overseeing the state's workforce investment and to streamline administration of our system while also increasing accountability, the bill requires the DEO to prepare a federal waiver to be submitted by the Governor to the USDOL that allows:

- The CareerSource Florida state board to fulfill the roles and responsibilities of LWDBs or that reduces the number of LWDBs based on population size and commuting patterns in order to:
 - eliminate multiple layers of administrative entities to improve coordination of the WDS;
 - establish consistent eligibility standards across the state to improve the accountability of workforce related programs; and
 - provide greater flexibility in the allocation of resources to maximize the funds directed to training and business services.¹⁰⁴
- The Governor to reallocate funds among local areas that have a demonstrated need for additional funding and programmatic outcomes that will maximize the use of the additional

⁹⁹ See United States Department of Labor, Workforce Innovation and Opportunity Act, Waivers, <https://www.dol.gov/agencies/eta/wioa/waivers> (last visited Feb. 24, 2021).

¹⁰⁰ *Id.*

¹⁰¹ See Pub. L. 113-128, §. 189(i)(3) (codified at 29 U.S.C. § 3249).

¹⁰² *Id.*

¹⁰³ Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 130, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf>.

¹⁰⁴ See United States Department of Labor, Employment and Training Administration, letter approving Alaska's waiver request and accompanying plan to improve the statewide workforce development system, submitted as part of Alaska's WIOA State Plan modification dated June 30, 2018, *available at* https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/Signed_Alaska_Waiver_Letter.pdf.; See also United States Department of Labor, Employment and Training Administration, letter approving Idaho's waiver request and accompanying plan to improve the statewide workforce development system, submitted as part of Idaho's WIOA State Plan modification dated June 29, 2018, *available at* https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/Signed_Idaho_Waiver_Letter.pdf.

funds to serve low-income individuals, public assistance recipients, dislocated workers, and unemployment insurance claimants.¹⁰⁵

Local Workforce Boards

Present Situation

Board Membership

The chief elected official(s) of the local workforce development area appoints members to the LWDB. Such appointments are made in accordance with criteria established by the Governor and the state workforce development board.¹⁰⁶ WIOA mandates a certain composition for LWDBs, but does not mandate a specific number of board members; however, reading WIOA leads to an understanding that the minimum number of board members is 19.¹⁰⁷ Of the 19 members, ten must represent the business community, four must represent the workforce community, two must represent education and training organizations, and three must be from government and the economic development community.¹⁰⁸

The members of the LWDB elect the chair from among the members representing the business community.¹⁰⁹ The chair may serve for a term of no more than 2 years and may not serve more than two terms.¹¹⁰ The Governor or local chief elected officer(s) may remove a LWDB member or the executive director or person responsible for the LWDBs operational or administrative functions for “cause.”¹¹¹

Compensation & Expenses

Pursuant to state law, LWDB board members may receive a per diem – provided it is preapproved, reasonable and necessary.¹¹² Local WDB board members may also receive reimbursement for travel expenses – provided such reimbursements are at the state rate and in compliance with all applicable federal and other state requirements.¹¹³

Neither federal nor state funds may be used directly or indirectly to pay for meals, food, or beverages for local WDB board members or staff, except as expressly authorized by state law.¹¹⁴ Further, LWDBs may not expend federal or state funds for entertainment or recreational activities.¹¹⁵

A LWDB may hire staff to assist in carrying out its required functions.¹¹⁶ WIOA mandates LWDBs establish and apply a set of objective qualifications for the position of director, that ensure the director has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the LWDB¹¹⁷

¹⁰⁵ See United States Department of Labor, Employment and Training Administration, letter approving Texas’s waiver request, submitted as part of Texas’s WIOA State Plan modification dated July 7, 2020, available at https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/TX%20PY%202020%20Waiver%20Response%20Letter_06.30.20_signed.pdf.

¹⁰⁶ See Pub. L. 113-128, §. 107(b)(1)(codified at 29 U.S.C. § 3122).

¹⁰⁷ See Pub. L. 113-128, §. 107(b)(2) (codified at 29 U.S.C. § 3122).

¹⁰⁸ *Id.* See also CareerSource Florida, Administrative Policy Number 091, *Local Workforce Development Board Composition and Certification* (Jan. 7, 2021), available at https://floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2021-guidance-papers/adminpolicy091_wioa-lwdb-composition-and-certification---final-01072021.pdf?sfvrsn=adb94db0_2.

¹⁰⁹ See Pub. L. 113-128, s. 107(b)(3) (codified at 29 U.S.C. § 3122).

¹¹⁰ Section 445.007(2)(a), F.S.

¹¹¹ See ss. 445.007(2)(b), (c), F.S. The term, ‘for cause,’ includes, but is not limited to, engaging in fraud or other criminal acts, incapacity, unfitness, neglect of duty, official incompetence and irresponsibility, misfeasance, malfeasance, nonfeasance, or lack of performance.

¹¹² See s. 445.007(10), F.S.

¹¹³ See ss. 445.007(10) and 112.061, F.S.

¹¹⁴ See s. 445.007(10), F.S.

¹¹⁵ *Id.*

¹¹⁶ See Pub. L. 113-128, §. 107(f)(1)-(3)(codified at 29 U.S.C. § 3122).

¹¹⁷ See Pub. L. 113-128, §. 107(f)(1)-(3)(codified at 29 U.S.C. § 3122).

Financial Disclosure Requirements

State law requires LWDB board members, as well as the executive director or person responsible for a LWDB's operational and administrative functions, to annually file a statement of financial interests.¹¹⁸ The statement of financial interests requires filers to disclose their primary sources of income (other than from their public position), secondary sources of income (in certain circumstances), real property in Florida (other than a residence or vacation home), intangible personal property, liabilities, and interests in specified businesses.¹¹⁹

Conflicts of Interest

WIOA contains provisions designed to eliminate or highlight conflicts of interest. For example, WIOA prohibits a LWDB board member from voting on a matter under consideration by the board regarding the provision of services by such member (or by an entity that such member represents); or that would provide direct financial benefit to such member or the immediate family of such member.¹²⁰

State law contains additional measures designed to increase transparency and accountability with respect to contracts entered into between a LWDB and a LWDB board member (or board member's organization), LWDB employee, or relative of either. Such contracts are required to be approved by a two-thirds vote of the LWDB and any LWDB board member that may personally benefit from the contract, or that has a relative that would benefit from the contract, must announce his or her conflict before the vote and abstain from voting.¹²¹ Further, such contracts of \$25,000 or more are required to be reviewed and approved by DEO prior to execution.¹²²

Performance

WIOA mandates that each designated local area have performance accountability measures which consist of the primary indicators of performance, any additional indicators of performance, and local level performance. The local level performance is determined by the local board, the chief elected official, and the Governor.¹²³

Local Workforce Development Board WIOA Performance for Program Year 2018-2019¹²⁴

¹¹⁸ See ss. 445.007(1) and 112.3145, F.S. The statement of financial interests is commonly referred to as the Florida Commission on Ethics FORM 1.

¹¹⁹ See s. 112.3145, F.S.

¹²⁰ See Pub. L. 113-128, §. 107(h)(codified at 29 U.S.C. § 3122).

¹²¹ See ss. 445.007(1), (11), F.S. See also CareerSource Florida Strategic Policy 2012.05.24.A.2, *State and Local Workforce Development Board Contracting Conflict of Interest Policy* (May 24, 2012), available at https://careersourceflorida.com/wp-content/uploads/2017/05/2012.05.24.A.2-State_LWDB-COI-Policy.pdf.

¹²² *Id.*

¹²³ See Pub. L. 113-128, §. 116(codified at 29 U.S.C. § 3141).

¹²⁴ Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 94, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf>.

WIOA INDICATORS OF PERFORMANCE	STATE GOAL	# OF LWDBs ACHIEVING GOAL	% OF LWDBs ACHIEVING GOAL
Adult Employed 2nd Qtr. After Exit	85.0%	22 of 24	91.7%
Adult Employed 4th Qtr. After Exit	82.5%	23 of 24	95.8%
Adult Median Wage 2nd Qtr. After Exit	\$6,850	23 of 24	95.8%
Adult Credential Attainment Rate	62.0%	21 of 24	87.5%
Dislocated Worker Employed 2nd Qtr. After Exit	83.0%	22 of 24	91.7%
Dislocated Worker Employed 4th Qtr. After Exit	79.0%	22 of 24	91.7%
Dislocated Worker Median Wage 2nd Qtr. After Exit	\$6,850	20 of 24	83.3%
Dislocated Worker Credential Attainment Rate	68.0%	18 of 24	75.0%
Youth Employed 2nd Qtr. After Exit	75.0%	24 of 24	100.0%
Youth Employed 4th Qtr. After Exit	69.0%	24 of 24	100.0%
Youth Credential Attainment Rate	75.2%	17 of 24	70.8%

Negotiations for local levels of performance are conducted every 2 years and occur following the state's negotiations with the USDOL.¹²⁵ For each performance indicator, a LWDB is determined to have met the standard if its performance is at or above 90 percent of the negotiated standard.¹²⁶

If a LWDB fails to meet the negotiated local levels of performance in any program year, technical assistance will be provided. The technical assistance may include:

- Assistance in the development of a performance improvement plan;
- The development of a modified local plan; or
- Other actions designed to assist the LWDB in improving performance.¹²⁷

Effect of Proposed Changes

The bill establishes term limits for a LWDB chair as no more than 2 years and establishes term limits for all members of a LWDB as no more than 6 consecutive years, unless the member is a representative of a government entity.

The bill requires DEO to annually meet with each LWDB to review the local board's performance in order to inform the determination of each LWDB's letter grade made by the state board.

To increase LWDB accountability and transparency, the bill requires LWDBs to make publicly available on the LWDB's website, or DEO's website if the LWDB does not maintain a website, the following:

- Information for the public that a public disclosure of financial interest filed with the Commission on Ethics has been completed for each LWDB board member and executive director and provide information on how each disclosure or statement may be reviewed. The notice to the public must remain on the website throughout the term of office or employment of the filer and until 1 year after the term ends.
- The LWDB's budget within 10 days after approval by the department. The budget must remain published on the website for the duration of the fiscal year for which it accounts for the expenditure of funds.

¹²⁵ CareerSource Florida Administrative Policy Number 088, *Negotiated Local Levels of Performance Requirements* (Feb 20, 2020), at 2, available at https://floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2020-guidance-papers/adminpolicy088_negotiatedlocallevelsperfrequirements---final.pdf?sfvrsn=348643b0_2.

¹²⁶ *Id.*

¹²⁷ *Id.*

- Annual publication of its most recent Internal Revenue Service Form 990, Return of Organization Exempt from Income Tax. The form must be posted on the local board's website within 60 calendar days after it is filed with the Internal Revenue Service and remain posted for 3 years after it is filed.

To provide greater oversight in a LWDBs contracting process, the bill does the following:

- Requires prior approval from DEO for contracts between the board and an organization or individual represented on the LWDB and states that such contracts may not be included on a consent agenda by the LWDB. Additionally, a member whose organization may benefit from the contract must abstain from voting on the contract.
- Reduces the threshold from \$25,000 to \$10,000 for contracts between local boards, a relative of a local board, or an employee of the board, which do not require prior approval from the DEO but do require a two-thirds board approval.
- Requires the publication of contracts between a LWDB and a member of the board, a relative of a board member, an organization or individual represented on the board, or an employee of the board approved on or after July 1, 2021, to be published on the board's website, or DEO's website if the local board does not maintain a website within ten days after approval by DEO and requires it to remain published for at least 1 year after termination of the contract.
- Requires the DEO, in their review of required contracts to consider documentation provided by the LWDB, including performance ratings of the entity under consideration for contract and whether such entity is the only provider of the desired good and services within the area served.

The bill requires each LWDB to annually, within 30 days after the end of the fiscal year, disclose to the DEO, in a manner determined by the department, the amount and nature of compensation paid to all executives, officers, directors, trustees, key employees, and the highest compensated employees, as defined for purposes of the Internal Revenue Service Form 990, Return of Organization Exempt from Income Tax. The reported compensation must include salary, bonuses, present value of vested benefits including but not limited to retirement, accrued leave and paid time off, cashed-in leave, cash equivalents, severance pay, pension plan accruals and contributions, deferred compensation, real property gifts, and any other liability owed to such persons. The disclosure must be accompanied by a written declaration from the chief financial officer, or his or her designee, that he or she has read the compensation disclosure and affirms it is true and accurate. The compensation disclosure information must also be published on the LWDB's website, or the department's website if the local board does not maintain a website, for a period of 3 years after it is first published.

The bill requires any local performance accountability measures established to gauge the performance of a LWDB in achieving the workforce development strategy to be based on identified local area needs.

The bill adds gross management and waste as instances which would provide cause for removal of a LWDB member and LWDB executive director.

The bill requires DEO to adopt rules for the submission, review, and approval of local workforce plans by LWDBs.

WIOA Eligible Training Providers

Present Situation

Federal

Eligible providers of training services programs (ETP) are entities that are eligible to receive WIOA funds for adult and dislocated worker participants who enroll in training services programs through "Individual Training Accounts" (ITA).¹²⁸ WIOA requires the Governor, in consultation with the state workforce development board, to, among other things, establish the criteria and procedures

¹²⁸ See 20 C.F.R. §680.410.

governing the eligibility of training providers and training programs to receive funds under WIOA to provide training services.¹²⁹ Federal regulations also specify the Governor may designate a state agency or entity to assist in carrying out this responsibility.¹³⁰ The Governor or the designated state agency is responsible for developing and maintaining a state list of eligible training providers and programs which includes initial eligibility, continued eligibility for providers, as well as performance and cost reporting requirements and removing programs that are not meeting performance levels.¹³¹ Additionally, each LWDB may set higher levels of performance than those required by the state as criteria for local providers to become or remain eligible to provide services in that area.¹³²

Although LWDBs may add some of their own restrictions and requirements to develop a list of training providers, the USDOL specifies that local boards may only include training providers on their list which are approved for the state list.¹³³ States are encouraged to streamline the process and policies for ETPs to reduce the number of local lists and the degree to which they vary from the state list and from one local board to another.¹³⁴

Florida

CareerSource has not adopted policies for a state eligible training provider list (ETPL), by default, authority is delegated to LWDBs to develop local ETPLs.

A training provider seeking initial eligibility must, at a minimum, provide the following information in their application to a LWDB:

- Verification the provider is licensed, certified, or otherwise authorized under Florida law to provide training services programs.
- Description of each training services program the training provider intends to provide.
- Information on the cost of attendance, including, but not limited to, tuition and fees.
- Whether the training program leads to an industry-recognized credential, including recognized postsecondary credential, identifying that credential.
- Whether the credential can be stacked with other credentials as part of a sequence to move an individual along a career pathway or up a career ladder.
- Whether the provider has developed the training in partnership or collaboration with a business or industry.
- Identification of in-demand industry sectors and occupations which best fit with the training program.
- Description of the prerequisites or skills and knowledge required prior to the training.
- Verification the training program is for an occupation on the local area targeted occupations list.¹³⁵

Continued eligibility for a training provider must be submitted every 2 years to maintain their eligibility.¹³⁶ To maintain eligibility, providers must submit performance data on WIOA required accountability measures.¹³⁷

Current state policy authorizes each LWDB to establish additional criteria for initial and continued training provider eligibility – a process which could result in 24 different standards for provider eligibility

¹²⁹ See 20 C.F.R. §680.430(a)

¹³⁰ See 20 C.F.R. §680.430(b).

¹³¹ See 20 C.F.R. §680.430(b).

¹³² See 20 C.F.R. §680.430(e).

¹³³ United States Department of Labor, Training and Employment Guidance Letter No. 8-19, *Workforce Innovation and Opportunity Act (WIOA) Title I Training Provider Eligibility and State List of Eligible Training Providers (ETPs) and Programs*, at 5-6, available at https://wdr.doleta.gov/directives/attach/TEGL/TEGL_8-19.pdf.

¹³⁴ *Id.*

¹³⁵ CareerSource Florida, WIOA Eligible Training Provider List Administrative Policy, *Policy Number 90*, at 4-5, available at https://floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2016-guidance-papers/wioa_etpl_policy.pdf?sfvrsn=a5876ab0_9.

¹³⁶ *Id.* at 7.

¹³⁷ *Id.* at 16.

across the state.¹³⁸ This means a training provider could be eligible to provide services to one area of the state, but not others. Likewise, each contract between a LWDB and a service provider has its own performance standards. Additionally, current state policy does not impose any state-wide minimum performance targets for eligibility training programs to remain on a local ETPL.¹³⁹ The DEO is presently revising the state policy to include more involvement at the state level for the review and approval of ETPs.¹⁴⁰ Additionally, DEO is updating the ETPL list which is displayed in Employ Florida to allow training providers to apply directly to the state, display performance data, and remove training entities which have not recently served WIOA participants.

For the period February 10, 2020 through August 7, 2020, the USDOL ETA conducted a compliance review of the DEO to determine their level of compliance with the programmatic, fiscal, and administrative requirements as the DEO is responsible for the fiscal and administrative affairs of the WDS.¹⁴¹ The state was found out of compliance with ensuring training providers were submitting required information for training programs on the ETPL. The DEO has implemented a corrective action plan, and intends to work towards the development of an online state and local ETPL application. The corrective action is expected to be complete by June 2021.¹⁴²

Effect of Proposed Changes

To direct the use of WIOA workforce program funds to training providers who provide positive outcomes for participants, the bill requires DEO to adopt rules for initial and subsequent eligibility criteria for the ETPL, based on input from LWDBs and other stakeholders. The bill requires a training provider who offers training for credentials identified on the master credentials list, as determined by the CareerSource Credentials Review Committee, to no longer be eligible for inclusion on a state or local ETPL if the provider fails to submit required information or fails to meet initial or subsequent eligibility criteria.

The bill requires subsequent eligibility criteria established by DEO to use performance and outcome measures which at a minimum, require a training provider to have:

- a completion rate of at least 75 percent;
- income earnings for participants who complete the program that are equivalent to or above the state's minimum wage in a calendar quarter; and
- an employment rate of at least 75 percent, for programs linked to an occupation, the employment rate is calculated based on obtaining employment in the field in which the participant was trained.

Credential Attainment in Florida

Present Situation

Attainment- Florida's SAIL to 60 Initiative

¹³⁸ *Id.* at 6.

¹³⁹ *Id.* at 9.

¹⁴⁰ Florida Department of Economic Opportunity, Presentation to the Education & Employment Committee (Feb. 16, 2021), at 15-16, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3105&Session=2021&DocumentType=Meeting%20Packets&FileName=eec%202-16-21.pdf>.

¹⁴¹ United States Department of Labor, Employment and Training Administration, *Compliance Review Florida Department of Economic Opportunity* (2020), at 13-14, available at <http://www.floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2020-usdol-eta-compliance-review.pdf>.

¹⁴² Florida Department of Economic Opportunity, *Letter to Ms. Lenita Jacobs-Simmons- Regional Administrator Employment and Training Administration* (Feb. 18, 2021), at 8-10, available at https://floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2021-feb-18-eta-comprehensive-monitoring-report-cap.pdf?sfvrsn=b2074db0_6

In 2019, the Legislature created the Strengthening Alignment between Industry and Learning (SAIL) to 60 Initiative to increase the percentage of working-age Floridians with a high-value postsecondary certificate, degree, or training experience to 60 percent by 2030. The initiative requires the SBE and BOG to work collaboratively to carry out the following duties:

- Increase awareness and the use of the following:
 - K-20 statewide computer-assisted student advising system;
 - Complete Florida Degree Initiative that facilitates degree completion for adult learners; and
 - summer bridge programs at state universities and FCS institutions that help students transition to postsecondary education.
- Support and publicize the efforts of the Florida College Access Network (FCAN) to:
 - Increase the number of high school seniors who submit at least one completed postsecondary education application.
 - Increase the number of high school seniors who submit a completed Free Application for Federal Student Aid to receive financial aid to help pay for their postsecondary education expenses.
 - Recognize and celebrate high school seniors for their postsecondary education and career plans and encourage early preparation for college.
 - Conduct regional meetings with postsecondary educational institutions, business leaders, and community organizations to solve community-specific issues related to attainment of postsecondary certificates, associate degrees, and baccalaureate degrees.
- Facilitate a reverse transfer agreement between the State Board of Education (SBE) and the State University System Board of Governors (BOG) to award postsecondary education credentials to students who have earned them.
- Facilitate the establishment of career pathways agreements between career centers and FCS institutions.
- Develop a systematic, cross-sector approach to awarding credit for prior learning.¹⁴³

In order to meet the SAIL to 60 goal by 2030, Floridian's will need to attain an additional 1,149,304 degrees or short-term credentials.¹⁴⁴ Currently 3,762,669 working age Floridians, ages 25-64, have a high school diploma or less. An additional 1,432,220, or 13 percent of working-age Floridians have some college but no degree. Research from the DEO forecasts that by 2025, 2 out of every 3 new Florida jobs will require some form of postsecondary education.¹⁴⁵

COVID-19 Impact

As a result of the COVID-19 pandemic, 58 percent of Floridians lost their job, had a pay cut, or saw a reduction of hours. COVID-19 has also had a disparate financial impact on those with lower levels of education. Floridians with a high school degree or less reported the highest rates of job loss, pay cuts, or reduced hours. Overall, 35 percent of Floridians believe they need additional education or training to find another job with the same wages or income if they lost their job due to COVID-19, and those with an associate's degree or less were most likely to believe they would need additional education or training.¹⁴⁶

Rapid Credentialing Grant

In FY 2020-2021, \$35 million was allocated for the Rapid Credentials Grant from the Governor's Emergency Education Fund (GEER),¹⁴⁷ one of the four grant programs created through the

¹⁴³ See s. 1004.013, F.S.

¹⁴⁴ Email, Florida College Access Network (Feb. 26, 2021).

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ Florida Department of Education, Division of Career and Adult Education, Division of Florida Colleges, *CARES Act, Rapid Credentialing Grant Opportunity*(June 16, 2020), at 14, available at <http://www.fldoe.org/core/fileparse.php/7515/urlt/RFA-RapidCredentialing.pdf>.

Coronavirus Aid Relief and Economic Security (CARES) Act.¹⁴⁸ Grant funds are directed to connecting unemployed, underemployed, or furloughed individuals with training in an in-demand area of the regional workforce board.¹⁴⁹

Rapid credentialing programs are designed to increase all of Florida's 28 state and 48 technical college's capacity to enroll and graduate students in short term, in-demand, middle to high wage occupation, workforce programs that can be completed in 18 weeks or less, aiding in accelerated recovery for residents and the economy after the Covid-19 pandemic.¹⁵⁰ Many of these programs are not eligible for federal financial aid as they do not meet the minimum instructional time requirements.¹⁵¹

Rapid credential programs include the following:

- technical certificate programs (i.e., short, credit options offered by FCS institutions);
- market-driven and in-demand clock hour career certificate programs (i.e., short, vocational training programs offered by technical colleges); and
- engaging, transformative, in-demand industry certification preparation courses (i.e., courses that culminate in an industry-recognized certification that can articulate into college credit).¹⁵²

The DOE identified over 100 rapid credential programs statewide and cross-walked them to CareerSource's in-demand sector strategies.¹⁵³ These workforce education-related options are accessible, affordable, and articulate into "higher-level" credentials (i.e., associate of science degrees or bachelors of applied science degrees).¹⁵⁴

Funds were allocated to 73 local education agencies, including charter districts and laboratory schools.¹⁵⁵ The grant requires 25 percent matching by the institution and allocates a minimum of \$150,000 per agency plus a pro-rated share of additional funds based on unduplicated headcount in postsecondary CTE programs.¹⁵⁶ Of the \$35 million award, \$7,130,453 was allocated to technical

¹⁴⁸ On Friday, March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES) Act was signed into law. Four grant programs were created through the CARES Act: Education Stabilization Fund Discretionary Grants; Governor's Emergency Education Relief Fund; Elementary and Secondary School Emergency Relief Fund; and Higher Education Emergency Relief Fund. United States Department of Education, Office of Elementary & Secondary Education, *Education Stabilization Fund*, <https://oese.ed.gov/offices/education-stabilization-fund/> (last visited Feb. 24, 2021).

¹⁴⁹ Florida Department of Education, Division of Career and Adult Education, Division of Florida Colleges, *CARES Act, Rapid Credentialing Grant Opportunity* (June 16, 2020), at 14, available at <http://www.fldoe.org/core/fileparse.php/7515/urlt/RFA-RapidCredentialing.pdf>.

¹⁵⁰ Florida Department of Education, Division of Career and Adult Education, Division of Florida Colleges, *CARES Act, Rapid Credentialing Grant Opportunity* (June 16, 2020), at 11, 14, and 18, available at <http://www.fldoe.org/core/fileparse.php/7515/urlt/RFA-RapidCredentialing.pdf>.

¹⁵¹ United States Department of Education, Federal Student Aid, *FASFAA Clock Hour Workshop* (Oct. 30 – Nov. 1, 2018), at 2, available at <https://fasfaa.memberclicks.net/assets/ClockHour/1819/Presentations/FASFAA%20Cl%20Hr%20wkshp%20-%20clock%20hour%20basics%20-%20Oct%202018.pdf>.

¹⁵² Florida Department of Education, Division of Career and Adult Education, Division of Florida Colleges, *CARES Act, Rapid Credentialing Grant Opportunity* (June 16, 2020), at 14, available at <http://www.fldoe.org/core/fileparse.php/7515/urlt/RFA-RapidCredentialing.pdf>.

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ Florida Department of Education, Division of Career and Adult Education, *Rapid Credentialing*, at 10, available at <http://www.fldoe.org/core/fileparse.php/19916/urlt/RapidCredentials3.pdf>.

¹⁵⁶ Florida Department of Education, Division of Career and Adult Education, Division of Florida Colleges, *CARES Act, Rapid Credentialing Grant Opportunity* (June 16, 2020), at 18-19, available at <http://www.fldoe.org/core/fileparse.php/7515/urlt/RFA-RapidCredentialing.pdf>.

colleges and the remaining \$27,869,547 was allocated to FCS institutions.¹⁵⁷ Funds may be used to purchase necessary equipment and underwrite costs associated with administering these short term courses/programs.¹⁵⁸

Effect of Proposed Changes

To increase momentum towards Florida's SAIL to 60 Attainment goal, and respond to those impacted by job loss or disruption due to COVID-19, the bill creates the Strategic Efforts to Achieve Self-Sufficiency (SEAS). SEAS creates three key strategies: the workforce opportunity portal, the Open Door Grant Program, and the Money-Back Guarantee Program.

1. The workforce opportunity portal, created in the Office of Reimagining Education and Career Help (REACH), provides the public with more effective access to available federal, state, and local services and a system-wide, global view of workforce related program data across various programs through actionable qualitative and quantitative information. The portal will serve as an important tool for Floridian's looking to reskill or retrain for the workforce.

The workforce opportunity portal will assist Floridians as they:

- Explore and Explore and identify career opportunities.
 - Identify in-demand jobs and associated earning potential.
 - Identify the skills and credentials needed for specific jobs.
 - Access a broad array of federal, state, and local workforce related programs.
 - Determine the quality of workforce related programs offered by public postsecondary educational institutions and public and private training providers, based on employment, wages, continued education, student loan debt, and receipt of public assistance by graduates of workforce, certificate, or degree programs.
 - Identify opportunities and resources to support individuals along their career pathway.
 - Provide information to help individuals understand their potential earnings through paid employment and cope with the loss of public assistance as they progress through career pathways toward self-sufficiency.
 - Map the timing and magnitude of the loss of public assistance for in-demand occupations across the state to help individuals visualize how their incomes will increase over time as they move toward self-sufficiency.
2. The Open Door Grant Program, subject to appropriations by the Legislature, creates a demand-driven supply of credentialed workers for high-demand occupations, expands the affordability of workforce training and credentialing, and increases the interest of current and future workers in short-term, high-demand CTE credentialing and certificate programs. Grants are provided to school district's postsecondary technical centers and FCS institutions to cover up to two-thirds of the cost of short-term high-demand programs for eligible students upon successful completion and award of a credential of value. The grant program will provide short-term training for high-demand programs in Florida, offering job seekers an opportunity to obtain expedited and affordable training.

Under the Open Door Grant program, at the time of enrollment, a student is responsible for paying one-third of the cost of the program and signing an agreement to either complete the program or pay an additional one-third of the program cost in the event of non-completion. The bill establishes that the DOE may not reimburse any institution more than \$3,000 per completed workforce training program. The bill prohibits the reduction of the grant based on certain financial aid.

The bill requires the SBE to adopt rules and the DOE to administer the grant by:

¹⁵⁷ Florida Department of Education, Division of Career and Adult Education, *Rapid Credentialing*, at 4, available at <http://www.fldoe.org/core/fileparse.php/19916/urlt/RapidCredentials3.pdf>.

¹⁵⁸ Florida Department of Education, Division of Career and Adult Education, Division of Florida Colleges, *CARES Act, Rapid Credentialing Grant Opportunity* (June 16, 2020), at 16, available at <http://www.fldoe.org/core/fileparse.php/7515/urlt/RFA-RapidCredentialing.pdf>.

- requiring eligible institutions to provide student-specific data and make final decisions on any dispute between eligible institutions and grant recipients;
- undertaking periodic assessments of the overall success of the grant program and recommend modifications, interventions, and other actions based on such assessments;
- establishing the procedure by which eligible institutions shall notify the department when eligible students enroll in eligible programs; and
- requiring each eligible institution to submit a report with data from the previous fiscal year on program completion and credential attainment by students participating in the grant program.

The DOE must provide an annual report to the SBE on program completion, attainment, and participant wage and demographics categorized by credential name and relevant occupation.

3. The Money-Back Guarantee Program requires each school district and FCS institution, beginning in the 2022-2023 academic year, to refund the cost of tuition to students who are not able to find a job within 6 months of successful completion of select workforce related programs.

The bill requires each institution to offer a money-back guarantee on at least four programs that prepare individuals to enter in-demand, high-skill, high-wage occupations, or at least 50 percent of workforce education programs if the institution offers seven or fewer programs. The bill requires the money-back guarantee program to be offered for all workforce education program which are established to meet a critical local economic need and are not aligned to statewide needs identified by the Labor Market Estimating Conference.

The bill requires each institution to establish student eligibility criteria for the program, including student attendance, career service attendance, participation in internships or work-study, job search documentation and development of a student career plan.

Institutions are required to notify the SBE of the money-back guarantee programs it offers by July 1, 2022 and information on the offered programs are required to be made available on each school district's and FCS institution's website, on the DOE's website, and on the Employ Florida website. The bill requires the DOE to provide a report on performance results by school district, FCS institution, and program by November 1 of each year.

Florida's Healthcare Workforce

Present Situation

Nursing

According to the Bureau of Labor Statistics, Florida ranks third among states to employ nurses. While Florida ranks as one of the top states for employment of nurses, a report in June 2020, showed 35,000 or 16.3 percent of registered nurses (RN) and 3,700 or 13.4 percent of advanced practice registered nurses (APRN) are over the age of 60 in Florida and may begin phasing into retirement during the next 5 to 10 years.¹⁵⁹ October 2020 data shows that by 2030, Florida will have the highest disparity of nursing supply and demand, with Florida lacking more than 57,000 nurses.¹⁶⁰ This forecasted shortage has been exacerbated by COVID-19.

A Johnson & Johnson, American Nurses Association, and American Organization for Nursing Leadership report, found nurses who spent more than half their time with COVID-19 patients believe more strongly that the pandemic will cause burnout and a shortage of nurses compared with nurses who spent less than half of their time with COVID-19 patients. Burnout is identified as the primary factor causing nurses to quit before the pandemic. Of the more than 418,000 registered nurses who quit their

¹⁵⁹ Email, Florida College Access Network (March 1, 2021).

¹⁶⁰ *Id.*

jobs in 2017, more than 30 percent said they left because of burnout, citing stressful work environments and inadequate staffing.¹⁶¹

As a percent of nurses are approaching retirement or departing the profession due to burnout, nursing schools are unable to accept qualified applicants into their programs. According to a 2019-2020 American Association of Critical-Care Nurses, United States nursing schools turned away 80,407 qualified applicants from baccalaureate and graduate nursing programs in 2019 due to insufficient number of faculty, clinical sites, classroom space, and clinical preceptors, as well as budget constraints.¹⁶²

Florida Talent Development Council

In 2019, the legislature reconstituted the Higher Education Coordinating Council (HECC) as the Florida Talent Development Council (FTDC) for the purpose of developing a data-driven, statewide approach to meeting Florida's need for a 21st century workforce, which utilizes the in-state talent supply system.¹⁶³ The FTDC is responsible for the development and monitoring of a strategic plan for talent development to accomplish the attainment goal of 60 percent of working age adults with a high-value postsecondary credential by 2030.¹⁶⁴

Effect of Proposed Changes

To address Florida's health care needs, the bill requires the FTDC to coordinate, facilitate, and communicate statewide efforts to meet supply and demand needs for Florida's health care workforce. The FTDC must initially focus on the nursing supply and demand and annually, beginning December 1, 2021, report on their implementation on the council's webpage.

To support the efforts of the council, the bill requires the BOG and the SBE to do the following:

- By December 1, 2021, conduct a statistically valid biennial data-driven gap analysis of the nursing supply and demand, including, but not limited to, teaching faculty and preceptors. Demand must align with the Labor Market Estimating Conference. The gap analysis must include 10-year trend information on nursing education programs. In order to conduct the gap analysis, the Department of Health, the BOG, the SBE, the Commission for Independent Education, and postsecondary institutions participating in the Access to Better Learning and Education (ABLE) or Effective Access to Student Education (EASE) state grant program are required to provide data on:
 - Number and type of programs and student slots available;
 - Number of student applications submitted, the number of qualified student applicants, and the number of students accepted;
 - Number of program graduates;
 - Program retention rates of students tracked from program entry to graduation;
 - Graduate passage rates on the National Council of State Boards of Nursing Licensing Examination; and
 - Number of graduates who become employed as practical or professional nurses in the state.
- Develop a survey for use by the Department of Health, the Commission for Independent Education, and postsecondary institutions participating in ABLE or EASE, to collect data for the gap analysis. The survey must include, but is not limited to, a student's age, gender, race, ethnicity, veteran status, wage, employer information, loan debt, and retirement expectations.

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ Section 1004.015(1), F.S.

¹⁶⁴ *Id.* at (4).

- Conduct a review of nursing education program curricula to improve alignment, streamline career pathways, and develop frameworks for co-located and concurrent enrollment nursing education programs which can be implemented statewide.
- Report on the establishment of accelerated programs for Bachelor of Science in nursing and masters of science in nursing, and implementation of other strategies to address the demand for nurses in the state.
- Map educational advancement of nurses through career pathways by comparing their initial degree to their highest degree obtained for the preceding 5 years.

The bill also requires the REACH Office to streamline the clinical placement process across the state by administering a web-based centralized clinical placement system for use by all nursing programs.

The bill requires Title I WIOA funds which are retained at the state level and reserved for the Incumbent Working Training Program administered by CareerSource to prioritize program funds as follows:

1. Businesses that provide employees with opportunities to acquire new or improved skills by earning a credential on the Master Credentials List.
2. Hospitals operated by nonprofit or local government entities that provide nursing opportunities to acquire new or improved skills.
3. Businesses whose grant proposals represent a significant upgrade in employee skills.
4. Businesses with 25 employees or fewer, businesses in rural areas, and businesses in distressed inner-city areas.
5. Businesses in a qualified targeted industry or businesses whose grant proposals represent a significant layoff avoidance strategy.

The bill defines businesses for Incumbent Working Training Program funds to include hospitals operated by nonprofit or local government entities which provide nursing opportunities to acquire new or improved skills.¹⁶⁵

Identifying Labor Market Demand in Florida

Present Situation

Current law directs the Workforce Estimating Conference to develop forecasts of employment demand for jobs by occupation and industry; wage forecasts among those occupations; and estimates of the supply of trained and qualified individuals available for employment in those occupations, with special focus on those occupations and industries which require high skills and have high entry wages and experienced wage levels.¹⁶⁶ The Conference must also review local and regional occupational data generated through the Internet-based job-matching and labor-market information system and consider such data in developing its forecasts for statewide employment demand and use the data to make recommendations to CareerSource on additions or deletions to local target occupation lists.¹⁶⁷ The Workforce Estimating Conference is expected to meet at least twice a year;¹⁶⁸ however, the conference has not met since September 6, 2013.¹⁶⁹

Currently, Florida has multiple entities that identify in-demand and high-wage occupations, industries, or sectors:

Entity Responsible	List	Description	Number Identified
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¹⁶⁵ See United States Department of Labor, Employment and Training Administration, *Training and Employment Guidance Letter WIOA No. 19-16*, at 17, available at https://wdr.doleta.gov/directives/attach/TEGL/TEGL_19-16_acc.pdf.

¹⁶⁶ See s. 216.136(7), F.S.

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ Office of Economic & Demographic Research, Workforce Estimating Conference, <http://edr.state.fl.us/content/conferences/workforce/index.cfm> (last visited Feb. 24, 2021).

DEO	Statewide Demand Occupations List	<ul style="list-style-type: none"> Developed using United States Bureau of Labor Statistics occupation projection data and employee wage information Middle wage occupations are those with a mean wage of \$15.13/hour and entry wage of \$12.31/hour High wage occupations are those with a mean wage of \$23.73/hour and entry wage of \$15.13/hour High demand occupations have 500 annual openings and average growth rate of 1.26% or 1,200 annual openings with any positive growth¹⁷⁰ Updated annually 	82 Occupational Titles ¹⁷¹
DEO	Regional Demand Occupations List	<ul style="list-style-type: none"> Developed for each of the state's 24 workforce development areas Occupations of high growth and/or high wage Updated annually 	24 Regional lists, each ranging between 82 to 150 occupational titles ¹⁷²
LWDBs	Local Targeted Occupations List	<ul style="list-style-type: none"> Developed by each board Adds occupations to the regional list that are in demand based on high growth and/or high wages in the local area Updated annually 	24 Local lists, each board adding between 0 to 112 occupational titles ¹⁷³
Enterprise Florida, Inc.	Targeted Industries	<ul style="list-style-type: none"> State's priority business sectors for job creation through tax incentive programs Identified through 6 criteria: <ol style="list-style-type: none"> Future growth; Stability; High wage; Market and resource independence; Industrial base diversification and strengthening; and Positive economic Impact. Should be reviewed every 3 years¹⁷⁴ 	9 Industries ¹⁷⁵

¹⁷⁰ Florida Department of Education, Presentation to the Senate Education Committee on January 26, 2021, *Career and Technical Education Programs and Labor Market Needs*, at 88, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/4987/8983_MeetingPacket_4987_2.pdf.

¹⁷¹ Florida Department of Economic Opportunity, Bureau of Workforce Statistics and Economic Research, *2020-21 Florida Statewide Demand Occupations List*, at tab1, available at http://lmsresources.labormarketinfo.com/library/rdol/Statewide_demand_list.xls.

¹⁷² *Id.* at tabs 2-25.

¹⁷³ Florida Department of Economic Opportunity, Bureau of Workforce Statistics and Economic Research, *Local Targeted Occupations List*, <https://floridajobs.org/office-directory/division-of-workforce-services/workforce-programs/local-targeted-occupations-list> (last visited Feb. 24, 2021). Six local workforce boards did not add any occupations to their local list: regions 1, 4, 5, 7, 17, and 23.

¹⁷⁴ Section 288.106, F.S.

¹⁷⁵ Enterprise Florida, Inc., *Industries*, <https://www.enterpriseflorida.com/industries/> (last visited Feb. 24, 2021).

Various entities, including the DOE, the BOG, CareerSource, and LWDBs use one or more of these lists when determining credential and program offerings.¹⁷⁶

Effect of Proposed Changes

The bill reconstitutes the Workforce Estimating Conference as the Labor Market Estimating Conference.

The bill requires the conference to develop real-time supply and demand information on Florida's statewide, regional, and local labor markets. Such information must include labor supply by education level, analyses of labor demand by occupational groups and occupations compared to labor supply, a ranking of critical areas of concern, and identification of in-demand, high-skill, high-wage occupations prioritized by level of statewide or regional shortages.

The bill designated the Office of Economic and Demographic Research (EDR) as the official lead for the United States Census Bureau's State Data Center Program or its successor. The bill requires that all state agencies provide the EDR with the necessary data to accomplish the goals of the conference and that agencies must ensure that any related work product regarding labor demand and supply is consistent with the official information developed by the conference.

The bill requires the conference to meet at least twice a year and as necessary to address emerging opportunities for the state's economy.

The bill makes conforming changes to reflect the Labor Market Estimating Conference and their role in developing labor demand and identification of in-demand, high-skill, high-wage occupations.

Credentials of Value

Present Situation

National

A 2018 report by the Education Strategy Group, Advance CTE, and the Council of Chief State School Officers highlighted the importance of states identifying industry-recognized credentials that are of high value, and differentiating them from those that do not provide a return on investment for credential earners.¹⁷⁷ The report highlighted that post-high school credentials from "industry-recognized credentials to postsecondary certificates and licenses to associate and bachelor's degrees" have become "necessary for career success, and those with a high school diploma or less are often left behind."¹⁷⁸ An important part of a state identifying credentials of value is collaboration from K-12 and postsecondary education, economic development, and business and industry to identify credentials which are of high value and the extent to which each credential shapes employers decisions and provides earnings to learners.¹⁷⁹

To expand access and opportunities to earn post-high school credentials, the National Skills Coalition (NSC) reports that non-degree credentials, such as certifications, industry certifications, apprenticeship certificates, and occupational licenses are key to help states achieve attainment goals and help workers obtain better jobs with credentials which link to opportunities for further education or training.¹⁸⁰ While non-degree credentials generally do not have the same earnings as a more traditional bachelor's

¹⁷⁶ Florida Department of Education, Presentation to the Senate Education Committee on January 26, 2021, *Career and Technical Education Programs and Labor Market Needs*, at 90-91, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/4987/8983_MeetingPacket_4987_2.pdf.

¹⁷⁷ Education Strategy Group, Advance CTE, and Council of Chief State School Officers, *Credential Currency* (Sept. 2018), at 3, available at <https://edstrategy.org/wp-content/uploads/2018/10/ESG-Credential-Currency-Full-Report.pdf>.

¹⁷⁸ *Id.*

¹⁷⁹ *Id.* at 5.

¹⁸⁰ National Skills Coalition, *Expanding Opportunities- Defining Quality Non-Degree Credentials for States* (Sept. 2019), at 5, available at https://www.nationalskillscoalition.org/wp-content/uploads/2020/12/9.18-NSC_QNDC-paper_web.pdf.

degree, non-degree credentials do provide an important opportunity to many workers to increase their earnings and economic opportunities.¹⁸¹ The NSC recommends that states create criteria to assess the quality of non-degree credentials to better inform policy decisions, ensure equity, and appropriately place individuals on a path to success.¹⁸²

Florida Credentials

Research conducted by ExcelinEd found that in 2018-19, Florida’s secondary learners earned almost 200,000 industry credentials. However, most credentials were for course level certifications, such as Adobe and Microsoft, rather than credentials associated with a robust learner. Many certifications earned were highly over-supplied and only 24 percent of earned certifications were aligned with employer demand and associated with an occupation that pays at least \$15/hour.¹⁸³ Linking certifications or credentials to labor market demand ensures that there is sufficient capacity across the state to provide job seekers skills that are both valuable and in demand.

Current law defines an industry certification as a voluntary process, through which individuals are assessed by an independent, third-party using predetermined standards for knowledge, skills, and competencies, resulting in the award of a credential that is nationally recognized and must be at least one of the following:

- within an industry that addresses a critical local or statewide economic need;
- linked to an occupation that is included in the workforce system’s targeted occupation list; or
- linked to an occupation that is identified as emerging.¹⁸⁴

Industry certifications for nonfarm occupations must be based on the highest national standards available for the specific industry certification.¹⁸⁵ Industry certifications for farm occupations must demonstrate student skill proficiency and be based upon the best available data to address critical local or statewide economic needs.¹⁸⁶

Presently, Florida produces several lists by various entities to identify industry certifications which may be offered by Florida’s secondary and postsecondary institutions:

List	Designating Entity	Use
Comprehensive Industry Certifications List	CareerSource	<ul style="list-style-type: none"> • The DOE adopts fundable industry certifications from this list¹⁸⁷
Career and Professional Education (CAPE) Industry Certification Funding List (K-12)	<p>Developed jointly by CareerSource and the DEO</p> <p>Adopted annually by the SBE</p>	<ul style="list-style-type: none"> • Florida Education Finance Program (FEFP) supplemental FTE for industry certification attainment • Acceleration component in the school grades calculation¹⁸⁸
CAPE Postsecondary Industry Certification Funding List	Adopted annually in rule by the SBE	<ul style="list-style-type: none"> • Performance funding for school districts and FCS institutions for occupational areas

¹⁸¹ *Id.* at 6.

¹⁸² *Id.*

¹⁸³ ExcelinEd, Presentation to the Florida House Secondary Education & Career Development Subcommittee (Feb. 3, 2021), at 7 and 12-14, *available at* <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3108&Session=2021&DocumentType=Meeting%20Packets&FileName=sec%202-3-21.pdf>.

¹⁸⁴ Section 1003.492(2), F.S.

¹⁸⁵ Section 1003.492(3)(a), F.S.

¹⁸⁶ Section 1003.492(3)(b), F.S.

¹⁸⁷ Florida Department of Education, Division of Career and Adult Education, *2020-21 Career Source Florida Recommendations*, *available at* <http://www.fldoe.org/core/fileparse.php/8904/urlt/2021-csfl-rec-all.pdf>.

¹⁸⁸ Sections 1003.492 and 1008.44(1), F.S.

		identified in the General Appropriations Act ¹⁸⁹
CTE Audit List	Developed jointly by CareerSource, the DEO, and other stakeholders	<ul style="list-style-type: none"> Provides authority to the Commissioner of Education (commissioner) to audit all workforce programs to ensure alignment to market demand¹⁹⁰ Annually reviewed and synced with curriculum framework process/cycle to ensure quality¹⁹¹
Rapid Credentialing Grant Lists	DOE	<ul style="list-style-type: none"> Increase capacity around short-term, in-demand middle to high wage occupation, workforce programs¹⁹² Two lists (one non-degree list and one for credit list) of short term CTE programs that meet statewide benchmarks, aligned to a mid-to-high wage occupation and cross walked to Enterprise Florida's targeted industry¹⁹³
Programs of Strategic Emphasis List	State University System (SUS) BOG	<ul style="list-style-type: none"> Aligns SUS degrees with Florida's economic and workforce needs Performance funding component for the SUS¹⁹⁴

CAPE Industry Certification Funding List (K-12)

Florida's current process for submitting, reviewing, and approving certifications starts with the submission of a certification application to CareerSource by LWDBs or public school principals. All submissions are then researched by CareerSource staff, DOE, and DEO to determine eligibility and to develop a list of recommended certifications for approval. The CareerSource Board of Directors is responsible for the final approval of certifications which the DOE may consider for funding eligibility and addition to the CAPE Industry Certification Funding List.¹⁹⁵

Approved industry certifications are published by the DOE, CareerSource, and the Department of Agriculture and Consumer Services (DACS).¹⁹⁶ The selection of industry certifications occurs in two phases. First, CareerSource must identify industry certifications and compile them into a Comprehensive Industry Certification List.¹⁹⁷ Second, the DOE must:

¹⁸⁹ Sections 1008.44(1), 1011.80, and 1011.81, F.S.

¹⁹⁰ Section 1003.491(5), F.S.

¹⁹¹ Florida Department of Education, Presentation to the Senate Education Committee on January 26, 2021, *Career and Technical Education Programs and Labor Market Needs*, at 91, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/4987/8983_MeetingPacket_4987_2.pdf.

¹⁹² Florida Department of Education, Division of Career and Adult Education, Division of Florida Colleges, *CARES Act, Rapid Credentialing Grant Opportunity*(June 16, 2020), at 11, 14, and 18, available at <http://www.fldoe.org/core/fileparse.php/7515/urlt/RFA-RapidCredentialing.pdf>.

¹⁹³ Florida Department of Education, Presentation to the Senate Education Committee on January 26, 2021, *Career and Technical Education Programs and Labor Market Needs*, at 91, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/4987/8983_MeetingPacket_4987_2.pdf.

¹⁹⁴ State University System, Programs of Strategic Emphasis, *Methodology for Updating Programs of Strategic Emphasis In the State University System of Florida, Board of Governors CIP 2020 Update*, https://www.flbog.edu/wp-content/uploads/CIP_2020_PSE_Methodology_CE_FINAL.pdf (last visited Feb. 24, 2021).

¹⁹⁵ CareerSource Florida, *2021-2022 Submission Process and Guidelines for Career and Professional Education Act*, available at: https://careersourceflorida.com/wp-content/uploads/2018/08/CAPE_Process_and_Guidelines.pdf.

¹⁹⁶ Section 1003.492(3), F.S.

¹⁹⁷ Section 1003.492(4), F.S.; rule 6A-6.0573(2)(d), F.A.C.

- review CareerSource’s Comprehensive Industry Certification List that includes 236 certifications;¹⁹⁸
- identify industry certifications that qualify for additional weighted funding;¹⁹⁹
- consider district requests that industry certifications be added to the approved list;²⁰⁰ and
- annually publish a final list.²⁰¹

Most industry certifications on the DOE’s most current list require passage of a subject area examination and some combination of work experience, educational attainment, or on-the job training. DOE has approved industry certifications in such career fields as information technology, automotive and aircraft mechanics, welding, and nursing.²⁰²

In order for an industry certification to be included on the CAPE Industry Certification Funding List, a certification must require a minimum of 150 hours of instruction and be achievable by secondary students.²⁰³

CAPE acceleration industry certifications which are annually approved by the commissioner, must articulate for 15 or more college credit hours and, if successfully completed, must be eligible for additional FTE funding.²⁰⁴ In order for a CAPE acceleration industry certification to be included on the CAPE Industry Certification Funding List, it must meet the same requirements as an industry certification and also have a statewide articulation agreement that enables students to earn 15 hours or more of college credit.²⁰⁵

CAPE digital tool certificates recognize a student’s attainment of digital skills. The DOE is required to identify, by June 15 of each year, digital tool certificates that indicate a student’s digital skills. DOE must notify each school district when a digital tool certificate is available. Digital tool certificates must be made available to all public elementary and middle grades students. By July 1, 2018, and on an annual basis thereafter, at least 75 percent of public middle grades students are expected to earn at least one digital tool certificate.²⁰⁶ In order for a CAPE digital tool certificate to be included on the CAPE Industry Certification Funding List a certificate must:

- be achievable by elementary school and middle grades students;
- assess at least one of the following digital skills: word processing; development of spreadsheets; digital arts; cybersecurity; coding; and development of sound, motion, and color presentations; and
- be part of a career pathway leading to the attainment of a career and professional education industry certification on the career and professional education funding list.²⁰⁷

The commissioner may at any time recommend adding to the CAPE Industry Certification Funding List no more than 30 career and professional education digital tool certificates limited to the areas of word processing; development of spreadsheets; digital arts; cybersecurity; coding; and development of sound, motion, and color presentations that do not articulate for college credit.²⁰⁸

The Chancellor of Career and Adult Education may identify certificates and certifications for students with disabilities, which must be included on the CAPE Industry Certification Funding List, i.e., digital tool

¹⁹⁸ Rule 6A-6.0573(3), F.A.C. *See also*, Florida Department of Education, Division of Career and Adult Education, *2020-21 Career Source Florida Recommendations*, available at <http://www.fldoe.org/core/fileparse.php/8904/urlt/2021-csfl-rec-all.pdf>.

¹⁹⁹ Rule 6A-6.0573(4), F.A.C.

²⁰⁰ Rule 6A-6.0573(9), F.A.C.

²⁰¹ Section 1003.492(4), F.S.; Rule 6A-6.0573(8), F.A.C.

²⁰² Florida Department of Education, Division of Career and Adult Education, *2020-21 CAPE Industry Certification Funding List (Detailed)*, available at <http://www.fldoe.org/core/fileparse.php/8904/urlt/2021icfl-detailed.pdf>.

²⁰³ Rule 6A-6.0573(7)(a), F.A.C.

²⁰⁴ Section 1003.4203(5)(b), F.S.

²⁰⁵ Rule 6A-6.0573(7)(c), F.A.C.

²⁰⁶ Section 1003.4203(3), F.S.

²⁰⁷ Rule 6A-6.0573(7)(d), F.A.C.

²⁰⁸ Section 1008.44(1)(b), F.S.

certifications, workplace industry certification, and occupation safety and health administration industry certifications.²⁰⁹

CAPE Postsecondary Industry Certification Funding List

The CAPE Postsecondary Industry Certification Funding List is developed by the Chancellor of the FCS²¹⁰ and the Chancellor of Career and Adult Education²¹¹ and approved by the SBE.²¹² These industry certifications are linked to occupational areas identified in the General Appropriations Act.²¹³

State University System-Programs of Strategic Emphasis

As part of its duties to operate the SUS, the BOG²¹⁴ develops a strategic plan which specifies the goals and objectives for each university and the SUS.²¹⁵ Part of the strategic plan includes criteria for designating baccalaureate degree and master's degree high-demand programs of emphasis.²¹⁶ The criteria for designating high-demand programs of emphasis include the following:

BOG High-Demand Programs of Emphasis Criteria	
Criteria Percentage	Criteria Metrics
50%	Achievement of performance outcome thresholds determined by the BOG. ²¹⁷
50%	Achievement of performance outcomes linked to: <ol style="list-style-type: none"> 1. Job placement in employment of 36 hours or more per week and average full-time wages of graduates of the degree program 1 year and 5 years after graduation. 2. BOG data-driven gap analysis of the state's job market demands and the outlook for jobs that require a baccalaureate degree or higher, with a growth rate of at least 10.1 percent, and a median Florida wage of at least \$45,000 per year.²¹⁸

The BOG periodically updates the list of identified programs of strategic emphasis (PSE), and most recently updated the list in September 2020²¹⁹ identifying 868 PSE.²²⁰ The BOG categorizes PSEs into five areas:

²⁰⁹ Section 1008.44(1)(c), F.S.

²¹⁰ Section 1011.81(2)(b), F.S.

²¹¹ Section 1011.80(7)(b)2., F.S.

²¹² Section 1011.81(2)(b), F.S. and s. 1011.80(7)(b)2., F.S.

²¹³ Sections 1011.80(7)(b) and 1011.81(2)(b), F.S.; ss. 124 and 130, ch. 2020-111, L.O.F.

²¹⁴ Art. IX., s. 7, Fla. Const.

²¹⁵ Section 1001.706(5)(b), F.S.

²¹⁶ Section 1001.706(5)(b)4., F.S.

²¹⁷ *Id.*

²¹⁸ Section 1001.706(5)(b)4.a.-b., F.S. *See also* Florida Board of Governors, Presentation to Post-Secondary Education & Lifelong Learning Subcommittee (February 10, 2021), at 6, *available at*

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3109&Session=2021&DocumentType=Meeting%20Packets&FileName=pe1%202-10-21.pdf>.

²¹⁹ Florida Board of Governors, *Programs of Strategic Emphasis*, <https://www.flbog.edu/resources/academic/programs-of-strategic-emphasis/> (last visited Feb. 27, 2021).

²²⁰ Florida Board of Governors, *Approved PSE List 2020-2021* (September 2020), *available at* <https://www.flbog.edu/wp-content/uploads/Current-PSE-list-approved-by-the-BOG-at-its-September-2020-meeting-XLSX.xlsx>.

1. Critical Workforce - Education: comprised of the SBE critical teacher shortage areas.²²¹
2. Critical Workforce - Health: comprised of workforce projections by the DEO.²²²
3. Critical Workforce - Gap Analysis: programs leading to occupations projected to be critically under-supplied in the BOG analysis of labor market projections and related degree production.²²³
4. Economic Development - Global Competitiveness: programs that assist in making the SUS globally competitive.²²⁴
5. Economic Development - Science Technology Engineering and Math (STEM): programs identified with national usage.²²⁵

The PSE are used by the BOG to develop annual accountability plans, coordinate academic programs, and approve new academic programs.²²⁶ PSEs are also a component of SUS performance based funding.²²⁷ For the 2019-2020 academic year, 54 percent of bachelor's degrees awarded by the SUS and 63 percent of graduate degrees awarded by the SUS were in PSE.²²⁸

Effect of Proposed Changes

Credentials Review Committee

The bill centralizes identification and designation of credentials of value by requiring the CareerSource state board to appoint a Credentials Review Committee (committee) to identify non-degree credentials and degree credentials of value for approval by the state board and inclusion in a Master Credentials List. Credentials must include apprenticeship certificates, industry certifications, licenses, advanced technical certificates, college credit certificates, career certificates, applied technology diplomas, associate degrees, baccalaureate degrees, and graduate degrees.

The bill provides the composition of the committee to include representatives from the REACH Office Chancellors of the Division of Career and Adult Education and Division of K-12 Public Schools, FCS, SUS, nonpublic postsecondary institutions, DEO, DACS, industry associations, Florida-based businesses, LWDBs, and any other entities representing programs identified in the Workforce Innovation and Opportunity Act, as determined necessary.

The bill requires the committee establish a definition for credentials of value for Florida and create a framework of quality. The framework must align with federally funded workforce accountability requirements and undergo biennial review. The bill establishes minimum criteria to determine value for non-degree credentials to include the following:

- Evidence the credential meets labor market demand as identified by the Labor Market Estimating Conference or meets local demand as identified in the criteria adopted by the Credentials Review Committee. Evidence must include employer information on present credential use or emerging opportunities.

²²¹ Florida Board of Governors, *Current CIP 2020 Programs of Strategic Emphasis methodology* (September 2020), at 3, available at https://www.flbog.edu/wp-content/uploads/CIP_2020_PSE_Methodology_CE_FINAL.pdf.

²²² *Id.* at 4.

²²³ *Id.* at 10.

²²⁴ *Id.* at 5.

²²⁵ *Id.* at 6.

²²⁶ Florida Board of Governors, *Programs of Strategic Emphasis*, <https://www.flbog.edu/resources/academic/programs-of-strategic-emphasis/> (last visited Feb. 24, 2021).

²²⁷ Florida Board of Governors, *Performance Funding Model Overview* (Nov. 2019), at 1, available at <https://www.flbog.edu/wp-content/uploads/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version-1.pdf>. Metric 6 includes bachelor's degrees award in areas of strategic emphasis and Metric 8a. includes graduates degrees awarded in areas of strategic emphasis. *See also* s. 1001.92, F.S.

²²⁸ Florida Board of Governors, Presentation to Post-Secondary Education & Lifelong Learning Subcommittee (February 10, 2021), at 11, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3109&Session=2021&DocumentType=Meeting%20Packets&FileName=pe1%202-10-21.pdf>.

- Evidence the competencies mastered upon completion of the credential are aligned with labor market demand.
- Evidence of employment and earnings outcomes for individuals after obtaining the credential. Earnings outcomes must provide middle-level to high-level wages with preference given to credentials generating high-level wages. Credentials that do not meet the earnings outcomes criteria must build on additional education or training to be identified as a credential of value. For new credentials, this criteria may be met with conditional eligibility until measurable labor market outcomes are obtained.

The bill requires the committee to establish criteria to determine value for degree programs. Criteria for degree programs must include evidence that the program meets the labor market demand as identified by the Labor Market Estimating Conference or meets local demand as determined by the committee.

The bill requires the committee to establish a process for the following:

- prioritizing non-degree credentials and degree programs based on critical statewide or regional shortages;
- quarterly review and approval of credential applications which must be used to develop the Master Credentials List;
- annual review of the Master Credentials List;
- phasing out credentials on the Master Credentials List that no longer meet the framework of quality;
- designating performance funding eligibility for credentials earned by postsecondary students, based upon the highest available certification; and
- linking Classifications of Instructional Programs (CIP) to Standard Occupational Classifications (SOC) for all new credentials of value identified on the Master Credentials List.

To support the committee's work, the bill requires the committee to identify all data elements necessary by the Florida Education and Training Placement Program (FETPIP).

The bill requires all information pertaining to the committee, the process for the approval of credentials of value, and the Master Credentials List be made available and be easily accessible to the public on all relevant state agency websites.

CAPE Industry Certification Identification

Beginning with the 2022-2023 school year, the bill requires the CareerSource state board to produce and submit a Master Credentials List to the SBE. The list must, at a minimum, identify credentials that may be offered statewide, regionally, or at the local level; the type of certificate or credential; the primary standard occupation classification code. The bill requires that for the 2021-2022 school year the Master Credentials List shall be comprised of the CAPE Industry Certification Funding List and the CAPE Postsecondary Industry Certification Funding List adopted by the SBE before July 1, 2021.

To align funded industry certifications with those determined to be of value by the committee and to the labor demand identified by the Labor Market Estimating Conference, the bill revises the CAPE Industry Certification Funding List to be a single list that is adopted by the SBE, based upon recommendations by the Commissioner.

The bill requires the DACS to work with the University of Florida and the College of Agriculture and Food Sciences at the Florida Agricultural and Mechanical University to annually submit industry certifications for farm occupations to the committee for consideration on the master list.

The CAPE Industry Certification Funding List will assign additional full-time equivalent membership (incentives) to certifications identified by the Master Credentials List that meet a statewide demand and courses that lead to such certifications.

The bill requires the CAPE Industry Certification Funding List to be comprised of CAPE industry certifications identified as credentials of value (both at the secondary and postsecondary level); CAPE digital tools certificates (removing the previous cap of no more than 30 CAPE digital tools); CAPE ESE digital tool certificates, workplace industry certifications, and OSHA industry certificates; CAPE Innovation Courses (removing the previous cap of no more than 5 courses); and CAPE acceleration industry certifications. The bill requires middle grades career and professional academy courses and career-themed courses to lead to careers in occupations aligned to the Cape Industry Certification Funding List.

The bill clarifies that postsecondary industry certifications must be identified on the CAPE Industry Certification Funding List and are eligible for performance funding. The bill deletes occupational areas for which industry certifications may be earned which are identified in the GAA for performance funding eligibility.

The bill requires the Chancellor of Career and Adult Education to provide the Articulation Coordinating Committee recommendations for articulation of postsecondary credit for related degrees for the approved certifications within 90 days after an industry certification has been approved for inclusion on the Master Credentials List.

The bill requires the DOE collect data on student achievement and performance data in industry-certified career education programs and career-themed courses but deletes the submission of an annual report and requires middle grades career and professional academy courses and career-themed courses to be aligned with the CAPE Industry Certification Funding List.

State University System-Programs of Strategic Emphasis

The bill requires the BOG, beginning with the 2022-2023 academic year to adopt the criteria to determine value for and prioritization of degree programs established by the committee to review and designate programs of emphasis. The bill requires the BOG to review the PSE list at least every 3 years to ensure alignment with the prioritization of degree credentials and degree programs identified by the committee.

Incentivizing Credentials

Present Situation

School Districts and Florida College System Institutions

The Florida Career and Professional Education (CAPE) Act was created to provide a statewide planning partnership between the business and education communities to attract, expand and retain targeted, high-value industry to sustain a strong, knowledge-based economy. The primary purpose of the CAPE Act is to:

- improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- provide rigorous and relevant career-themed courses that articulate to postsecondary-level coursework and lead to industry certification;
- support local and regional economic development;
- respond to Florida's critical workforce needs; and
- provide state residents with access to high-wage and high-demand careers.²²⁹

In order to fulfill the requirements of the CAPE Act the DOE incentivizes school districts and FCS institutions²³⁰ through two statewide lists.²³¹

²²⁹ Section 1003.491, F.S.

²³⁰ Sections 1011.62(1)(o), 1008.44, 1011.80, and 1011.81(2), F.S.

²³¹ Sections 1011.62(1)(o), 1011.80(7)(b), and 1011.81(2)(c), F.S.

The CAPE Industry Certification Funding List includes CAPE industry certifications, CAPE acceleration industry certifications, and CAPE digital tool certificates. Industry certifications on the final approved CAPE Industry Certification Funding list are eligible for additional weighted funding through the Florida Education Finance Program (FEFP).²³² The value is added to the total FTE in secondary career education programs for grades 9 through 12. Each district must allocate at least 80 percent of the funds provided for CAPE industry certification to the program that generated the funds.²³³

A value of 0.025 FTE is calculated for CAPE digital tool certificates earned by students in elementary and middle school. Weights of 0.1, 0.2, 0.3, 0.5, or 1.0 FTE are added for courses that lead to the attainment of a CAPE industry certification, as follows:²³⁴

Weight	Course Type
0.1 FTE	CAPE Industry Certification does not articulate to college credit
0.2 FTE	CAPE Industry Certification articulates to college credit
0.3 FTE	CAPE Innovation Course
0.5 FTE	CAPE Acceleration Industry Certification articulates to 15-29 college credit hours
1.0 FTE	CAPE Acceleration Industry Certification articulates to 30+ college credit hours

Bonuses are available for teachers of courses in which students earn industry certifications, as follows:

- A bonus amount of \$25 is awarded for a course with a weight of 0.1.
- A bonus amount of \$50 is awarded for a course with a weight of 0.2.
- A bonus amount of \$75 is awarded for a course with a weight of 0.3.
- A bonus amount of \$100 is awarded for a course with a weight of 0.5 or 1.0.²³⁵

In addition, performance incentive funds are provided for attainment of industry certifications identified in the CAPE Postsecondary Industry Certification Funding List.²³⁶ In FY 2020-21, \$6.5 million in performance based incentives were allocated for school districts and \$14 million for Florida colleges.²³⁷ Each eligible postsecondary-level certification earned by a student at a postsecondary institution generates \$1,000 in state performance incentive funding for the institution.²³⁸

Effect of Proposed Changes

School Districts and Florida College System Institutions

The bill requires the commissioner to conduct a review of the methodology used to determine additional full-time equivalent membership weights assigned to CAPE programs and, if necessary, recommend revised weights. The weights must factor in prioritization of critical statewide shortages as identified by the Credentials Review Committee (committee). The bill requires the results of the review and the commissioner's recommendations be submitted to the Governor and the legislature no later than December 1, 2021.

Beginning with the 2022-2023 FY, the bill revises the formula for allocating postsecondary performance incentive funding to school district technical centers and FCS institutions. Rather than each certification, earned by a student, earning \$1,000; the bill requires the committee to develop a returned-value funding formula that rewards student job placements and wages for students earning industry certifications. One-third of the performance funds must be allocated based on student job placements.

²³² Section 1011.62(1)(o), F.S.; Rule 6A-6.0573(12), F.A.C.

²³³ Section 1011.62(1)(o), F.S.

²³⁴ Section 1011.62(1)(o), F.S.

²³⁵ Section 1011.62(1)(o)3., F.S.

²³⁶ Section 1011.81(2)(b), F.S.

²³⁷ Sections 124 and 130, ch. 2020-111, L.O.F.

²³⁸ Section 1011.80(7)(b)3., F.S.; s. 1011.81(2)(c), F.S.

The remaining two-thirds must be allocated using a three tiered weighted system based on aggregate student wages that exceed minimum wage with the highest weight applied to the highest wage tier. Student wages above minimum wage are considered to be the value added by the institution's training. The bill removes an obsolete methodology for distribution of performance funds.

The bill requires the CAPE strategic 3-year plan developed jointly by the local school district, LWDBs, economic development agencies, and state-approved postsecondary institutions to be developed based on local and regional workforce needs for the ensuing 3 years, using labor projections as identified by the Labor Market Estimating Conference and strategies to develop and implement career academies or career-themed courses based on occupations identified by the Labor Market Estimating Conference.

Measuring Outcomes for Florida's Workforce Programs

Present Situation

Florida Education & Training Placement Information Program (FETPIP)

The FETPIP is a data collection and consumer reporting system established to provide follow-up data on former students and program participants who have graduated, exited or completed a public education or training program within the State of Florida.²³⁹ The law requires all elements of Florida's WDS to use information provided through FETPIP, for any project they may conduct requiring automated matching of administrative records for follow-up purposes.²⁴⁰

A major goal of Florida's K-20 Education system is to improve employment and earnings outcomes for all students. This information is part of the performance accountability processes for all parts of the K-20 system and serves as an indicator of student achievement and program needs. It helps educators and parents better prepare and counsel students for success in their future education or career choices.²⁴¹

Currently, FETPIP data does not capture certain data elements necessary for WIOA federal reporting criteria. The system is unable to report data on non-WIOA participant performance.²⁴²

Workforce Development Information System (WDIS)

Current law charges the DOE with designing specifications for the collection and reporting of data and performance specifications for the WDIS.²⁴³ The design must allow parallel reporting and state-level access of workforce data necessary to use the data reports as a basis for calculating funding allocations. In addition, the design must be capable of providing reports necessary to comply with other program performance documentation required by state or federal law, without requiring additional data collection or reporting from local educational agencies.²⁴⁴

Effect of Proposed Changes

FETPIP

In order to better track the outcome of program participants, the bill requires the DOE automated system, which matches the social security numbers of former participants in state educational and training programs with information in the files of state and federal agencies that maintain educational, employment, and United States armed service records, to include former participants in workforce

²³⁹ Section 1008.39, F.S.

²⁴⁰ *Id.*

²⁴¹ Florida Department of Education, *Florida Education & Training Placement Information Program (FETPIP)*, <http://www.fldoe.org/accountability/fl-edu-training-placement-info-program/> (last visited Feb. 24, 2021).

²⁴² Email, Florida Department of Economic Opportunity, Director of External Affairs (Nov. 10, 2020).

²⁴³ Section 1008.40(1), F.S.

²⁴⁴ *Id.*

related programs. Additionally, the bill requires that the system incorporate any data collection elements prescribed by the Credentials Review Committee.

WDIS

The bill requires the DOE to design the WDIS using common terms and to use the data to conduct audits, and determine compliance of workforce related programs and education and training programs with applicable federal and state requirements as authorized by federal and state law. The bill requires the DOE to establish a process for the collection, review, and reporting of Comprehensive Local Needs Assessments as required by federal law.

The bill requires the WDIS to link data from multiple sources for consideration in developing broad public policy initiatives for workforce related programs and requires the DOE to work with the DEO, the DCF, and other entities to define statewide education, workforce development, and employment metrics and ensure the integrity and quality of data being collected.

The bill requires the DOE to develop a workforce development metrics dashboard that measures the state's investments in workforce development. The bill requires the dashboard to be produced, to the extent feasible, using existing available data and resources that are currently collected and accessible to state agencies. To the extent feasible, the dashboard must use statistically rigorous methodologies to estimate, assess, and isolate the impact of programs on participant outcomes.

The bill requires the DOE to convene workforce related program partners to develop a standardized set of inputs and outputs for the dashboard and requires the dashboard to provide the following data:

- the impact of workforce related programs on credential attainment, training completion, degree attainment, and participant wages;
- demographic breakdowns, including, to the extent possible, race, ethnicity, age, gender, veteran status, wage, student loan debt, barriers to employment, and credential or degree outcomes, and information on workforce outcomes in different industry sectors;
- performance data on training providers to enable individuals to make informed choices; and
- measure, at a minimum and to the extent feasible with existing resources, the return on investment of the following workforce related programs:
 - CTE programs offered by school districts and FCS institutions;
 - workforce related programs; and
 - state apprenticeship programs.

The bill requires the DOE to utilize the WDIS to conduct the annual review of CTE programs and use data captured in WDIS to provide an automated data collection process that includes the collection and evaluation of the federal Comprehensive Local Needs Assessments, to assist in the review of programs.

Florida Pathways to Career Opportunities Grant Program

The Florida Pathways to Career Opportunities Grant Program was established in 2019²⁴⁵ for the DOE to provide grants on a competitive basis to high schools, career centers, charter technical career centers, FCS institutions, and other entities authorized to sponsor an apprenticeship or preapprenticeship program to establish new apprenticeship or preapprenticeship programs and expand existing apprenticeship or preapprenticeship programs.²⁴⁶ Grant funds may be used for instructional equipment, supplies, personnel, student services, and other expenses associated with the creation or expansion of an apprenticeship program. Grant funds may not be used for recurring instructional costs or for indirect costs.²⁴⁷

²⁴⁵ Section 33, ch. 2019-119, L.O.F.

²⁴⁶ Section 1011.802

²⁴⁷ Section 1011.802(3), F.S.

In 2019, the Legislature appropriated \$10 million for the grant program.²⁴⁸ For FY 2019-2020, the grant awarded funds to grantees in two phases. The first phase totaled \$7,222,392 to fund 37 apprenticeship programs²⁴⁹ and the second phase totaled \$3,044,005 and funded 18 apprenticeship programs.²⁵⁰ In 2019-2020, the grant funded a total of 14 apprenticeship programs, five of which were new programs and nine were to expand existing programs. Additionally, the grant awarded a total of seven preapprenticeship programs, three of which were new programs and four were to expand existing programs.²⁵¹

In 2020, the Legislature appropriated another \$10 million for the grant program.²⁵² For FY 2020-2021, the grant awarded a total of \$10,045,493 to 48 occupations.²⁵³ In 2020-2021, the grant funded a total of 26 apprenticeships, ten grants for new apprenticeships and 16 to expand previous. Additionally, the grant awarded a total of 22 preapprenticeships, 12 of which were for new preapprenticeships and ten were to expand existing preapprenticeships.²⁵⁴ In FY 2020-2021, applicants were encouraged to collaborate with LWDBs to leverage additional funds which could support tuition or instructional costs, other supportive services, and a portion of the apprentice's wages.²⁵⁵ Such collaboration by an applicant was eligible for additional points in the review and evaluation of the grant application.²⁵⁶

The DOE reports the anticipated number of apprentices served by the Pathways to Career Opportunities Grant in 2019-2020 and 2020-2021 is approximately 5,200.²⁵⁷

Effect of Proposed Changes

The bill requires the DOE to award Florida Pathway to Career Opportunities Grants to preapprenticeship or apprenticeship programs with demonstrated regional demand which:

- address a critical statewide or regional shortage as identified by the Labor Market Estimating Conference and that are industry sectors not adequately represented throughout the state, such as health care;
- address a critical statewide or regional shortage as identified by the Labor Market Estimating Conference; or
- expand existing programs that exceed the median completion rate and employment rate 1 year after completion of similar programs in the region, or the state if there are no similar programs in the region.

The bill requires the DOE to annually report on the Florida Pathways to Career Opportunities website the following information:

- number of programs funded and represented throughout the state;
- retention, completion, and employment rates, categorized by program and provider;

²⁴⁸ Specific Appropriation 125A, s. 2, ch. 2019-115, L.O.F.

²⁴⁹ Florida Department of Education, Pathways to Career Opportunities Phase One, *Recommended Funding List FY 2019-2020*, TAPS# 20B019, available at <http://www.fldoe.org/core/fileparse.php/18794/urlt/phase1prioritizedfundinglist.pdf>.

²⁵⁰ Florida Department of Education, Pathways to Career Opportunities Phase Two, *Recommended Funding List FY 2019-2020*, TAPS# 20B019 (May 21, 2020), available at <http://www.fldoe.org/core/fileparse.php/18794/urlt/phase2prioritizedfundinglist.pdf>.

²⁵¹ Email from Bethany Swonson, Legislative Affairs, Department of Education, Re: Florida Pathways to Career Opportunities Grant (Feb. 27, 2021).

²⁵² Specific Appropriation 127A, s. 2, ch. 2020-115, L.O.F.

²⁵³ Florida Department of Education, Pathways to Career Opportunities 2020-2021 Funding List TAPS# 21B019 (Feb. 7, 2021), available at <http://www.fldoe.org/core/fileparse.php/18794/urlt/PCOG-PrioritizedFundingList.pdf>.

²⁵⁴ Email from Bethany Swonson, Legislative Affairs, Department of Education, Re: Florida Pathways to Career Opportunities Grant (Feb. 27, 2021).

²⁵⁵ Florida Department of Education, *Pathways to Career Opportunities 2020-2021 Request for Proposal*, at 2, available at <http://www.fldoe.org/core/fileparse.php/18794/urlt/PCOG-RFP-GeneralGuidlines.docx>.

²⁵⁶ *Id.* at 14.

²⁵⁷ Email from Bethany Swonson, Legislative Affairs, Department of Education, Re: Florida Pathways to Career Opportunities Grant (Feb. 27, 2021).

- starting and ending salaries, as categorized by program and provider, for participants who complete the program.

The bill requires the SBE to adopt rules to implement the Pathways to Career Opportunities Grant.

Workforce Education Programs

Present Situation

Current law defines a workforce education program as the delivery of any of the following:

- Adult general education programs;
- Career certificate programs;
- Applied technology diploma programs;
- Continuing workforce education courses;
- Degree career education programs; or
- Apprenticeship and preapprenticeship programs.²⁵⁸

Under current law, FCS institutions and school districts may conduct workforce education programs; however, only a FCS institution may award college credit for an associate in applied science (AAS) or an associate in science (AS) degree.²⁵⁹ If an AAS or an AS degree program includes an occupational completion point²⁶⁰ that confers a certificate or an applied technology diploma (ATD), a school district career center can operate that portion of the program.

Approval Process

Certificate and Associate Programs

The DOE develops and maintains CTE programs which align with 17 career clusters.²⁶¹ Each CTE program has a corresponding curriculum framework which outlines the program structure, total hours, and student performance standards.²⁶² Once a program is approved by the SBE, the program may be offered by any institution in Florida.²⁶³

Baccalaureate Programs

Current law authorizes the SBE to review and approve a FCS institution to offer a baccalaureate program.²⁶⁴ The approval process requires a FCS institution to submit a notice of intent which must include evidence that the FCS institution engaged in need, demand, and impact discussions with the state university and other regionally accredited postsecondary education providers in its service district.²⁶⁵ A proposal by a FCS institution to offer a baccalaureate program, among other criteria, must include an analysis of workforce demand and unmet need for graduates of the program, cost, and admission requirements.²⁶⁶

Effect of Proposed Changes

²⁵⁸ Section 1011.80(1)(a)-(f), F.S.

²⁵⁹ Section 1011.80(2), F.S.

²⁶⁰ See s. 1004.02(21), F.S. An occupational completion point means the occupational competencies that qualify a person to enter an occupation that is linked to a career and technical program.

²⁶¹ Florida Department of Education, 2020-21 Career and Technical Education Frameworks, <http://www.fldoe.org/academics/career-adult-edu/career-tech-edu/curriculum-frameworks/2020-21-frameworks/> (last visited Feb. 28, 2021).

²⁶² *Id.* See also Health Sciences Career Cluster, Curriculum Framework, Program Surgical Technology (2020-2021), available at <http://www.fldoe.org/core/fileparse.php/19869/urlt/H170211-2021.rtf>.

²⁶³ Florida Department of Education, Presentation to Senate Committee on Education (Feb. 16, 2021), at 105, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5054/9043_MeetingPacket_5054_2.pdf.

²⁶⁴ Section 1001.03(15), F.S.

²⁶⁵ Section 1007.33(5)(a), F.S.

²⁶⁶ *Id.* at (5)(d), F.S.

The bill requires workforce education programs to be approved by the SBE before the program may be conducted by a FCS institution or a school district technical center.

The bill requires the SBE to develop criteria for the review and approval of new workforce education programs which considers local demand as well as local program offerings at public and private institutions to avoid wasteful duplication of programs. The criteria should provide priority to institutions that have implemented the money-back-guarantee program in excess of the minimum number of programs required. The criteria the SBE developed for review and approval of workforce education programs must include, but is not limited to, the following:

- A notice of intent to propose a new workforce education program that includes all of the following:
 - a brief description of the program;
 - an analysis of workforce demand and unmet need for graduates of the program on a district, regional, or statewide basis, as appropriate, including evidence from entities independent of the technical center or institution;
 - geographic region to be served; and
 - estimated timeframe for implementation.
- Documentation of collaboration among technical centers and institutions serving the same students in a geographical or service area that enhances program offerings and prevents program duplication. Unnecessary duplication of programs offered by public and private institutions must be avoided.
- Articulation agreements between technical centers and FCS institutions for the enrollment of graduates in related workforce education programs.
- Documentation of alignment between the exit requirements of a technical center and the admissions requirements of a FCS institution.
- Performance and compliance indicators that will be used in determining the program's success.

The bill authorizes the SBE, upon review of a workforce education program, to their discretion, require a school district postsecondary technical career center, charter technical career center, or FCS institution, to modify or terminate a workforce education program.

Career and Technical Education Program Audit

Present Situation

On January 2019, the Governor issued Executive Order 19-31²⁶⁷ establishing a goal for Florida to become number one in the nation for workforce education by 2030. The executive order directed the commissioner to complete an audit of CTE offerings in Florida and develop a methodology to audit and review offerings annually.

Current law charges the commissioner with annually reviewing K-12 and postsecondary CTE programs in consultation with the DEO, CareerSource, leaders of business and industry, the BOG, FCS, school districts and other education stakeholders.²⁶⁸ The review must to assess alignment of existing offerings with employer demand, postsecondary credentials and professional industry certifications. This includes identifying offerings that are linked to occupations that are in high demand by employers, require high-level skills, and provide middle-level to high-level wages.²⁶⁹

²⁶⁷ State of Florida, Office of the Governor, *Executive Order Number 19-31* (Jan. 30, 2019), <https://www.flgov.com/wp-content/uploads/2019/01/EO-19-31.pdf> (last visited Feb. 25, 2021).

²⁶⁸ Section 1003.491(5)(a), F.S.

²⁶⁹ *Id.*

Under the audit's labor market alignment requirements, current secondary career preparation and postsecondary CTE programs are required to be linked to an occupation on the statewide or local regional Demand Occupation List, linked to a program that is expected to grow over the next eight years, or train for an occupation with middle to high wages. For programs not meeting any of these criteria, local agencies may document demand using the criteria specified in the Strengthening Career and Technical Education for the 21st Century Act (Perkins V) Comprehensive Local Needs Assessment (CLNA).²⁷⁰

The CTE audit was conducted in three phases:²⁷¹

- *Phase One-Statewide review of programs* - an analysis of quality, using statewide data, for active CTE secondary and postsecondary programs. The department completed Phase 1 in January 2020 and found that 68 percent of CTE programs reviewed met benchmarks.²⁷²
- *Phase Two-Local program review* - a review of each institution for programs not meeting the statewide benchmarks. The department completed Phase 2 in December 2020. There were 243 local program terminations across 60 programs of study for secondary CTE programs and 320 local program terminations across 164 programs of study for postsecondary CTE programs.²⁷³
- *Phase Three-Share information and best practices* - using the data and information collected, the department will publish and recognize best practices around business and industry partnerships. The department completed Phase 3 in January 2021.²⁷⁴

Based on audit results, the Commissioner is required to phase out CTE programs which are not aligned with the needs of employers or do not provide program completers with a middle-wage or high-wage occupation and encourage districts and postsecondary institutions to offer new programs.²⁷⁵

Effect of Proposed Changes

The bill requires the DOE's annual CTE Audit to examine, at a minimum, the following:

- alignment of offerings to occupations identified by the Labor Market Estimating Conference;
- alignment of offerings with the framework of quality established by the Credentials Review Committee;
- alignment of offerings with certificate or degree programs offered at the K-12 and postsecondary levels;
- inclusion of offerings on the Master Credentials List; and
- program utilization and unwarranted duplication across institutions serving the same students in a geographical or service area; and
- institutional performance measured by student outcomes.

The bill requires the CTE audit to use data captured through the WDS and provide an automated data collection process that includes the collection and evaluation of the federal Comprehensive Local Needs Assessments, to assist in the review of programs.

²⁷⁰ Florida Department of Education, *Florida's CTE Audit: Statewide Review of Programs*, at 18, available at <http://www.fldoe.org/core/fileparse.php/18788/urlt/2020CTEAuditPreliminaryFindings.pdf>.

²⁷¹ Florida Department of Education, Career Pathways, *Career & Technical Education Audit*, <http://www.fldoe.org/careerpathways/> (last visited Feb. 25, 2021).

²⁷² Florida Department of Education, *Florida's CTE Audit: Statewide Review of Programs*, at 28, available at <http://www.fldoe.org/core/fileparse.php/18788/urlt/2020CTEAuditPreliminaryFindings.pdf>.

²⁷³ Florida Department of Education Career and Adult Education, *Florida's Career and Technical Education Audit: Year One Report*, at 129 and 137 (Jan. 2021).

²⁷⁴ Florida Department of Education Career and Adult Education, *Florida's Career and Technical Education Audit: Year One Report*, at 143 (Jan. 2021).

²⁷⁵ Section 1003.491(5)(b), F.S.

The bill requires the Commissioner to use the findings from the CTE audit to phase out CTE offerings which are not aligned with the needs of the state.

The bill requires the DOE to adopt rules to administer the annual review of K-12 and postsecondary CTE offerings.

B. SECTION DIRECTORY:

Section 1. Creates s. 14.36, F.S.; creating the Office of Reimagining Education and Career Help Act for certain purposes; creating the Office of Reimagining Education and Career Help within the Executive Office of the Governor for a specified purpose; providing definitions; providing the duties of the office; requiring the office to create a specified strategy; providing requirements for such strategy; requiring the office to establish a workforce opportunity portal; providing requirements related to the portal; requiring a report to the Legislature.

Section 2. Amends s. 216.136, F.S.; renaming the Workforce Estimating Conference as the Labor Market Estimating Conference; removing requirements of the Workforce Estimating Conference; providing requirements for the Labor Market Estimating Conference.

Section 3. Amends s. 288.047, F.S.; requiring participants of the Quick-Response Training Program to earn at or above minimum wage.

Section 4. Amends s. 445.002, F.S.; revising the definition of the term "for cause".

Section 5. Amends s. 445.003, F.S.; revising requirements for Workforce Innovation and Opportunity Act Title I funds; requiring, rather than authorizing, the executive director of the state workforce development board to work with the Department of Economic Opportunity for certain purposes; providing duties of the department for the implementation of the federal Workforce Innovation and Opportunity Act.

Section 6. Amends s. 445.004, F.S.; revising the composition of the state board; requiring the state board to appoint a Credentials Review Committee for a specified purpose; providing the composition of the committee; requiring certain information to be accessible to the public; providing duties and requirements of the committee; specifying entities that can authorize certain expenditures; providing and revising requirements for the state board in order to achieve certain purposes; requiring the state board, in consultation with the department, to submit a report to the Governor and Legislature; providing and revising reporting requirements; removing certain auditing authority of the Auditor General; requiring local performance accountability measures to be based on identified local area needs.

Section 7. Amends s. 445.006, F.S.; providing requirements for the state plan for workforce development; requiring the department to prepare a federal waiver for specified purposes.

Section 8. Amends s. 445.007, F.S.; requiring certain information be accessible on the website of a local workforce development board or department; providing term limits; providing an exception; requiring actions of the local board to be consistent with federal and state law; providing requirements for certain contracts between a local board and certain entities; providing an exception; requiring the department to review certain documentation when considering whether to approve a contract; removing authority for a local board to review a decision by the department to deny a contract; requiring a local board to disclose certain compensation information to the department.

Section 9. Amends s. 445.009, F.S.; requiring a certain final payment amount to Individual Training Accounts; conforming provisions to changes made by the act.

Section 10. Amends s. 445.033, F.S.; requiring the department and the Department of Children and Families, rather than the state board, to measure the performance of certain workforce related programs; requiring the state board to consult with local boards; requiring local boards to provide

quarterly reports to the state board with certain information; requiring, rather than authorizing, the state board and the department to share certain information.

Section 11. Amends s. 445.038, F.S.; conforming provisions to changes made by the act.

Section 12. Amends s. 570.07, F.S.; requiring the Department of Agriculture and Consumer Services to submit certain information to the Credentials Review Committee for placement on the Master Credentials List, rather than the CAPE Industry Certification Funding List or CAPE Postsecondary Industry Certification Funding List.

Section 13. Amends s. 1001.706, F.S.; revising and providing requirements for the Board of Governors' strategic plan; removing criteria for the designation of high-demand programs of emphasis.

Section 14. Amends s. 1003.4203, F.S.; specifying where the Department of Education has to identify CAPE Digital Tool certificates; removing the deadline for such identification; removing specified skills that have to be mastered; authorizing courses identified in the CAPE Industry Certification Funding List to articulate for college credit; removing the course limit.

Section 15. Amends s. 1003.491, F.S.; requiring certain strategic plans to use labor projections identified by the Labor Market Estimating Conference; providing and revising the information that the Commission of Education must review for the annual review of K-12 and postsecondary career and technical education offerings; requiring the Department of Education to adopt rules.

Section 16. Amends s. 1003.492, F.S.; providing that industry certification is achieved when a student receives a credential that is identified on the Master Credentials List; conforming provisions to changes made by the act.

Section 17. Amends s. 1003.4935, F.S.; conforming provisions to changes made by the act.

Section 18. Amends s. 1004.013, F.S.; creating the Strategic Efforts to Achieve Self-Sufficiency consisting of the workforce opportunity portal, the Open Door Grant Program, and the Money-Back Guarantee Program.

Section 19. Amends s. 1004.015, F.S.; providing responsibilities of the Florida Talent Development Council relating to the healthcare workforce in the state; providing responsibilities of the Board of Governors and the State Board of Education; requiring an analysis by a specified date; specifying data to be provided by such analysis.

Section 20. Amends s. 1008.39, F.S.; requiring the collection of data elements prescribed by the Credentials Review Committee; conforming provisions to changes made by the act.

Section 21. Amends s. 1008.40, F.S.; providing requirements for design specifications for the Workforce Development Information System; requiring the Department of Education to work with certain entities to develop certain metrics; providing requirements for a workforce development metrics dashboard.

Section 22. Amends s. 1008.41, F.S.; conforming provisions to changes made by the act.

Section 23. Amends s. 1008.44, F.S.; removing the CAPE Postsecondary Industry Certification Funding List; requiring the State Board of Education to annually adopt, based on recommendations by the Commissioner of Education, the CAPE Industry Certification Funding List; providing certificates, certifications, and courses that may be included on the list; requiring the Commissioner of Education to conduct certain review and make recommendations; requiring the recommendations be provided to the Governor and Legislature by specified date; requiring the CAPE Industry Certification Funding List be used to determine certain funding distributions; conforming provisions to changes made by the act.

Section 24. Creates s. 1009.895, F.S.; creating the Open Door Grant Program; providing definitions; providing the purpose of the program; requiring the Department of Education, upon the availability of funds, to provide certain grants; providing for the distribution of the grant to a student and reimbursement to an institution; prohibiting the reduction of the grant based on certain financial aid; providing requirements for the department in administering the grant program; requiring the department to report certain information to the State Board of Education annually; requiring the department to adopt rules.

Section 25. Amends s. 1011.80, F.S.; requiring approval by the State Board of Education to conduct workforce education programs; requiring the State Board of Education to establish criteria for the approval of new workforce education programs; providing requirements for the criteria; authorizing the State Board of Education to modify or terminate a workforce education program; requiring the Credentials Review Committee to develop a returned-value funding formula by a specified time; conforming provisions to changes made by the act.

Section 26. Amends s. 1011.801, F.S.; conforming a provision to changes made by the act.

Section 27. Amends s. 1011.802, F.S.; requiring the Department of Education to award grants for preapprenticeship programs, in addition to apprenticeship programs, that meet certain criteria; requiring the department to report certain information annually on its website; requiring the State Board of Education to adopt rules.

Section 28. Creates s. 1011.803, F.S.; creating the Money-Back Guarantee Program to help individuals achieve self-sufficiency; requiring each school district and Florida College System Institution to offer a money-back guarantee on certain programs by a specified time and to establish student eligibility criteria; requiring each school district and Florida College System institution to notify the State Board of Education of its program by a specified date; requiring information about the program to be posted on certain websites; requiring a report to the Governor and Legislature.

Section 29. Amends s. 1011.81, F.S.; requiring the Credentials Review Committee to develop a returned-value funding formula by a specified time; conforming provisions to changes made by the act.

Section 30. Provides an effective date of July 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill has an indeterminate, but likely significant impact on state expenditures. Costs will vary depending on whether information technology requires updates to a current data warehouse or replacing the system.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill creates a robust and transparent workforce portal to provide Floridians with real-time resources to support their long term earning potential. The bill provides important data and resources for Floridians to access and evaluate workforce services at a participant's time of need. Additionally, the bill identifies and categorizes in-demand credentials and degree programs and requires information to be made available to the public to determine the performance of these programs and training providers offering these programs, as well as long term earning results and impact to self-sufficiency.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the Florida Department of Economic Opportunity (DEO) to adopt rules for the submission, review, and approval of local workforce plans by local workforce development boards.

The bill requires the State Board of Education (SBE) to adopt rules to implement the Pathways to Career Opportunities Grant, the Open Door Grant Program.

The bill requires the Department of Education (DOE) to adopt rules to administer the annual review of K-12 and postsecondary career and technical education (CTE) offerings.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.